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SF Police Commission Minutes

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OCTOBER 12, 1988

SPECIAL MEETING

JAN 24 1989

HEARING OF POLICE OFFICER DANIEL BAKER, POTRERO
STATION

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The hearing of the disciplinary charges filed against Police Officer Daniel Baker, Potrero Station, was called it having been continued from the meeting of August 31, 1988. Police Officer Daniel Baker was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to obey the lawful orders of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of San Francisco Police Department.

Police Officer Daniel Baker appeared in person and was represented by Mr. Robert Barry, Police Officers' Association.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Robert Barry for the Defense. Mr. Barry entered a plea of guilty on Specification No. 1, except for subsection (9), and guilty to Specification No. 2, on behalf of Officer Daniel Baker. Officer Baker then personally made a plea of guilty to Specification No. 1, except for subsection (9), and guilty to Specification No. 2.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Baker and was seconded by Commissioner Pius Lee, and was unanimously approved by the Commission.

An opening statement was made by Mr. Michael Gash for the Prosecution.

The following named witnesses were called by the Prosecution, were sworn and testified:

Lynn Ledford, Dispatcher, Communications
Division

Sergeant Mark Swendsen, Taraval Station
Lieutenant Daniel O'Leary, Park Station

The following named witness was called by the Defense:

Officer Daniel Baker, Potrero Station

Closing statement was made by Mr. Barry for the Defense.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the

Chief of Police that Officer Baker be suspended for 90 days for Specification 1, and for Specification No. 2, he be terminated, said termination to be held in abeyance for three years. Periodic follow-up is to be made with the Stress Unit, and he is to be randomly tested for alcohol use. If he is reinstated, he must remain in an inside assignment.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1792-88

DECISION - HEARING OF POLICE OFFICER DANIEL BAKER,
POTRERO STATION

WHEREAS, on April 29, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Daniel Baker, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Daniel Baker, Star No. 391, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Patrol Bureau - Potrero Station; however, on April 22, 1988, he was suspended;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about April 20, 1988, at approximately 2330 hours, Lieutenant Mary Stasko, Star No. 834, received a telephone call from a female citizen who reported that she had just been beaten up by the accused, at her residence on 48th Avenue in San Francisco. The female citizen also informed Lt. Stasko that the accused was still on the premises and she was afraid she would be the target of further physical violence;
- (4) Lieutenant Stasko notified Communications and a Taraval Unit was dispatched to the female citizen's residence. At approximately 2345 hours, Lieutenant Stasko telephoned Lt. Daniel O'Leary, Star No. 1892, the Platoon Commander at Taraval Station, and informed him of the telephone call from the female citizen. Lt. O'Leary advised Sgt. Mark Swendsen, Star No. 1876, of the situation and told him to respond to the scene because the incident involved an off-duty police officer;

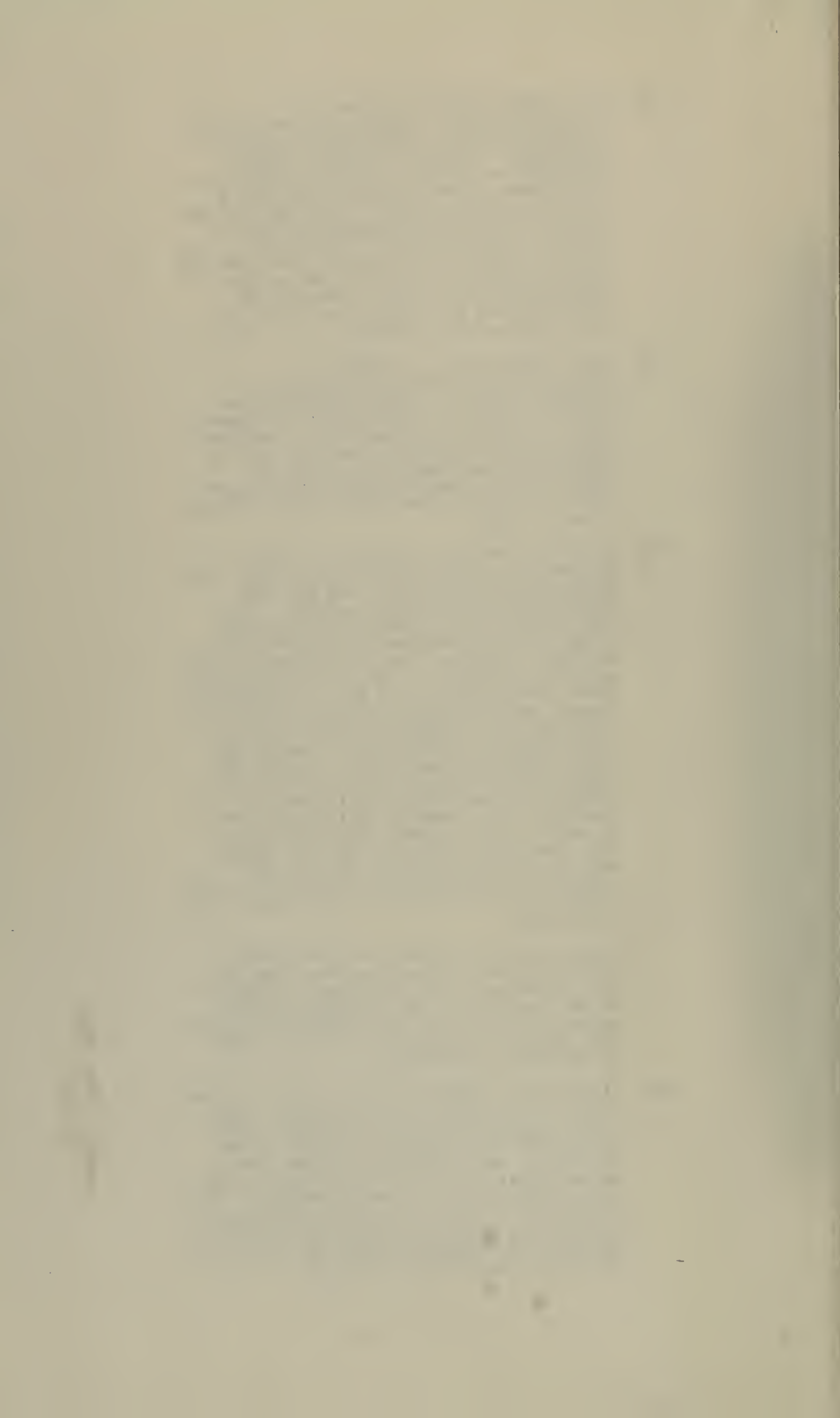
(5) On or about April 20, 1988, at approximately 2357 hours, Officer Elaine Economus Star No. 283, Officer Pamela Cunningham, Star No. 278, and Officer Andrew Rufus, Star No. 2192, responded to a residence on 48th Avenue regarding a domestic violence call. When the officers arrived, they met the female citizen in front of her residence. The female citizen informed the officers that she had been struck in the head by the accused. The female citizen also informed the officers that the accused was drunk and had a gun in the bedroom;

(6) On or about April 21, 1988, at approximately 0001 hours, Sergeant Swendsen arrived. Sgt. Swendsen spoke with the female citizen and she informed him that the accused was drunk, had been beating her recently and had hit her in the head. The female citizen also informed Sgt. Swendsen that the accused had a gun in the bedroom and that she was afraid of him;

(7) Sgt. Swendsen went upstairs into the residence to speak with the accused. The accused appeared to be drunk and was belligerent toward Sgt. Swendsen. The accused told Sgt. Swendsen that he was going into the bedroom to change clothes and Sgt. Swendsen told the accused to stay out of the bedroom. The accused responded that he was going to go into the bedroom anyway and Sgt. Swendsen again told him to stay out of the bedroom. The accused again started to go into the bedroom and Sgt. Swendsen attempted to restrain the accused by holding his arm. The accused shook loose and continued toward the bedroom. Sgt. Swendsen held the accused by both arms to prevent him from going into the bedroom and the accused turned and shoved Sgt. Swendsen away. Sgt. Swendsen then entered the bedroom door to block the accused's way. The accused then shoved Sgt.

Swendsen into the bedroom. The three other officers who were present came to Sgt. Swendsen's assistance and attempted to handcuff the accused; however, the accused resisted and was finally maced by Sgt. Swendsen and the officers were able to handcuff the accused;

(8) After being handcuffed, the accused became abusive toward Sgt. Swendsen, started to walk around and refused to remain seated after being directed to sit down by Sgt. Swendsen. Sgt. Swendsen informed the accused that due to his behavior, he was going to put him in a police vehicle. The accused initially resisted the officers attempts to remove him from the residence; however, he calmed down and was placed in Sgt. Swendsen's patrol vehicle;



- (9) The accused was arrested for violations of California Penal Code Section 273.5 (infliction of injury on spouse or cohabitee), Section 243b (battery against a police officer), and Section 148 (resisting peace officers in the discharge of their duties);
- (10) The accused, by getting involved in a domestic dispute which resulted in the police being called, by shoving a Sergeant of Police, who was attempting to prevent him from going into a bedroom, by having to be physically restrained by four (4) police officers, and by resisting arrest and being arrested, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to obey the lawful orders of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

- (11) The allegations contained in Specification No. 1, paragraphs (1) through (10), are incorporated by reference as if fully set forth herein;
- (12) On or about April 21, 1988, at approximately 0030 hours, Sgt. William Hardeman, Star No. 1369, of the Management Control Division, responded to Mission Emergency Hospital where the accused had been taken for exposure to the chemical mace. Sgt. Hardeman informed the accused that he was present for purposes of conducting an administrative investigation of this incident, that he would not interview him at this time; however, he was requesting the accused to provide a urine sample. The accused refused Sgt. Hardeman's request. Sgt. Hardeman, in the presence of Lt. Daniel O'Leary, Star No. 1892, informed the accused that he was ordering him to provide a urine sample. The accused again refused;
- (13) Lt. O'Leary also ordered the accused to submit to a urine or breath sample and advised him that his failure to comply could result in disciplinary action. The accused then agreed to provide a urine sample. The accused was then taken to a lavatory, where he again refused. Sgt. Hardeman and Lt. O'Leary repeated their order to the accused and he again refused.

(14) The accused, by failing to obey the lawful orders given by Sgt. William Hardeman and Lt. Daniel O'Leary, on or about April 21, 1988, has engaged in conduct which constitutes violations of Rule A-11 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 31, 1988 and Wednesday, October 12, 1988, and on Wednesday, October 12, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and Specification No. 2 as preferred by the Chief of Police against Police Officer Daniel Baker are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1:

Ninety (90) days suspension, beginning Sunday, April 22, 1988 and ending close of business Wednesday, July 20, 1988.

Specification No. 2:

Termination held in abeyance for three (3) years, to be automatically terminated if there are any violations of the Rules and Procedures of the Department and if any of the following conditions are not complied with:

- (A) Must follow and complete the after-care treatment recommendations set forth by VA Patient Coordinator Chris Rose and Dr. J. Westley Clark, including monitored attendance of 90 AA meetings in 90 days.
- (B) Must submit to random, unannounced urine tests administered by the Management Control Division on a quarterly basis. The Management Control Division shall submit quarterly reports to the Commission regarding Officer Baker's urine test. The Stress Unit shall also submit quarterly reports to the Commission regarding Officer Bakier's condition.

- (C) Officer Baker shall report or contact the Stress Unit on a weekly basis.
- (D) The Management Control Division and the Stress Unit shall immediately report to the Commission any variations by Officer Baker of these conditions and shall immediately report any instance when Officer Baker is not sober.
- (E) Officer Baker shall also personally appear before the Commission for these quarterly reports. If Officer Baker fails to appear at any quarterly report meetings or refuses to submit to a urine test or is not sober during the three (3) year period, the termination held in abeyance shall be immediately imposed;

and be it further

RESOLVED, Officer Baker will be reinstated to a light-duty position and may not carry a weapon on or off-duty; and be it further

RESOLVED, after the completion of twelve (12) months, a hearing will be held before the Commission to determine whether Officer Daniel Baker will be reinstated to full duty.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Orr-Smith

Recess taken during the hearing of Officer Daniel Baker:

5:34 p.m. to 6:00 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

OCTOBER 12, 1988

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, October 12, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF JULY 20, 1988

Approval of Minutes of Meeting of July 20, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1793-88

CITY TOW (BRIGETTE ZAMORA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Brigette Zamora) in the sum of \$770.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1794-88

CITY TOW (B. BRADLEY BRADLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (B. Bradley Bradley) in the sum of \$710.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1795-88

CITY TOW (ANNA LYNNETTE KELLER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Anna Lynnette Keller) in the sum of \$340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1796-88

CITY TOW (RUBEN T. JUAREZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ruben T. Juarez) in the sum of \$340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1797-88

CITY TOW (PAUL CHRISTIAN TILLISCH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Paul Christian Tillisch) in the sum of \$310.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1798-88

CITY TOW (EDITH WEINMAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Edith Weinman) in the sum of \$310.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1799-88

CITY TOW (EILENE ALATORRE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Eilene Alatorre) in the sum of \$300.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1800-88

IDA MOHILL

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Ida Mohill in the sum of \$295.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1801-88

BLANCA CARRILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Blanca Carrillo in the sum of \$275.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1802-88

CITY TOW (V. ALSTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow

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(V. Alston) in the sum of \$260.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1803-88

CITY TOW (CAMILIA AGUILAR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Camilia Aguilar) in the sum of \$240.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1804-88

GRANT E. HAMMORK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Grant E. Hammork in the sum of \$240.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1805-88

RAYMOND V. LINSLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymond V. Linsley in the sum of \$245.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1806-88

DUC MINH TRUONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Duc Minh Truong in the sum of \$240.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

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RESOLUTION NO. 1807-88

ANN E. KIRK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann E. Kirk in the sum of \$230.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1988 stolen and
recovered July 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1808-88

CANDIE MATTSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Candie Mattson in the sum of \$225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1809-88

CITY TOW (CLAUDIA CULVER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Claudia Culver) in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1810-88

CITY TOW (XAYYAVONG SOMPHONE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Xayyavong Somphone) in the sum of \$180.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1811-88

RANDY L. HARVEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Randy L. Harvey in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

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Date of Incident: August 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1812-88

GLICENIA C. LOGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Glicenia C. Logan in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1813-88

KEITH YEAGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Keith Yeager in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1814-88

CITY TOW (RENATA VITELLI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Renata Vitelli) in the sum of \$170.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1815-88

CITY TOW (JENNIFER KING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jennifer King) in the sum of \$170.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1816-88

FRANCIS J. PORT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francis J. Port in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1817-88

DANIEL ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Robinson in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 6, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1818-88

CITY TOW (RICHARD SERGU)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Richard Sergu) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1819-88

CITY TOW (NASEHI SHAHNAZ)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of the City Tow (Nasehi Shahnaz) in the sum of \$160.00 as a result of nonpayment for a tow, be, and the same is hereby approved.

Date of Incident: February 26, 1988
March 4, 1988 - Waiver Date

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

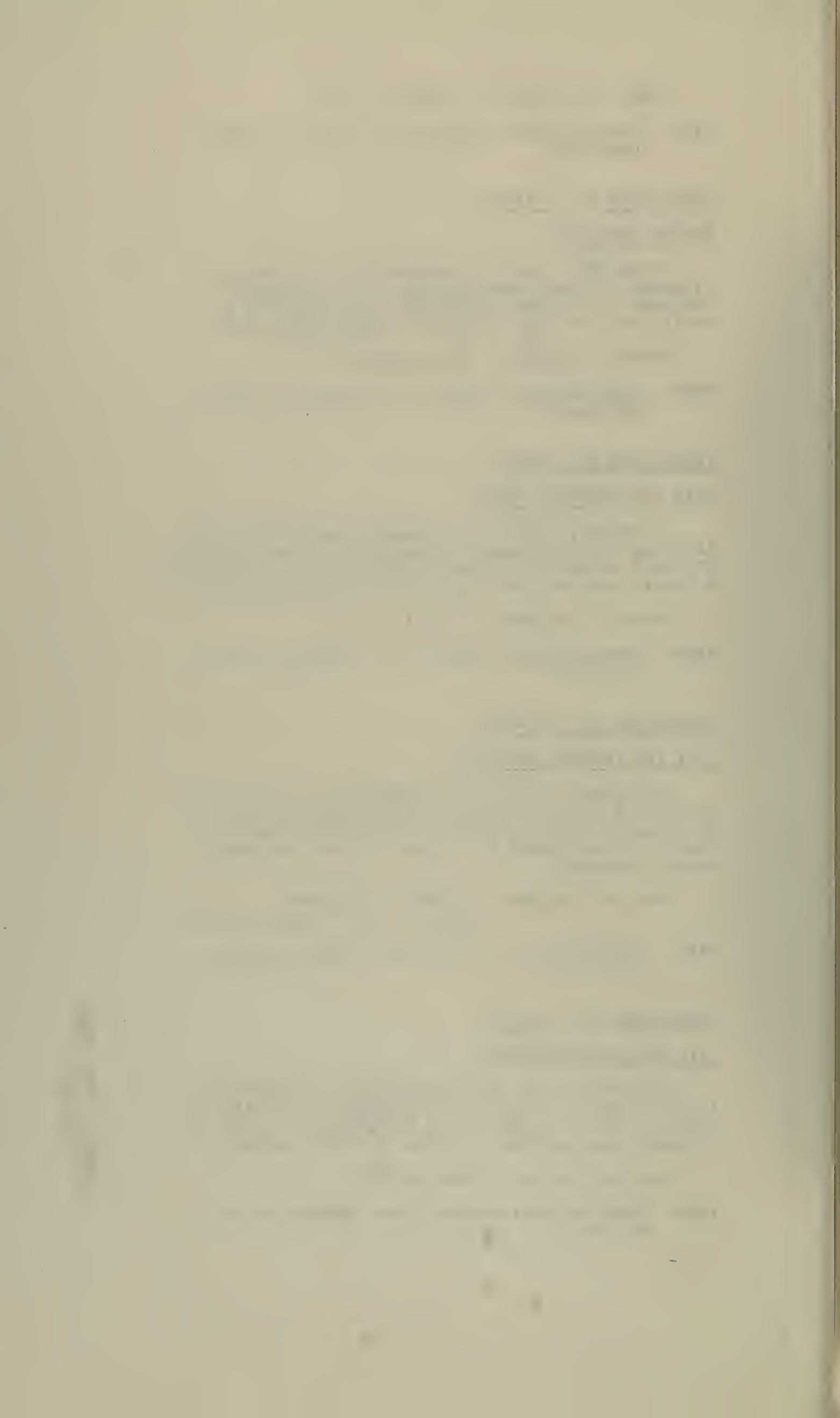
RESOLUTION NO. 1820-88

CITY TOW (DON KERTZMAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Don Kertzman) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



RESOLUTION NO. 1821-88

CITY TOW (D. SCHOFFER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (D. Schoffer) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1822-88

CITY TOW (RICHARD VAN WAMBEKE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Richard Van Wambeke) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1823-88

CITY TOW (RICHARD STYPMAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Richard Stypman) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1824-88

CITY TOW (FREDERICK TAYLOR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Frederick Taylor) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1825-88

CITY TOW (GREGORY TITON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Gregory Titon) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1826-88

CITY TOW (JEANETTE RICHARDSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jeanette Richardson) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1827-88

CITY TOW (BANEZ P. MURPHY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Banez P. Murphy) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1828-88

CITY TOW (ROBERT HOWARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert Howard) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1829-88

CITY TOW (ROGER P. DOGLE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Roger P. Dogle) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1830-88

CITY TOW (TUNG HUNG DIEU)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Tung Hung Dieu) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

THE UNIVERSITY OF CHICAGO
LIBRARY OF THE UNIVERSITY OF CHICAGO
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LIBRARY OF THE UNIVERSITY OF CHICAGO
1850-1851

RESOLUTION NO. 1831-88

CITY TOW (RALPH FRESHOUR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ralph Freshour) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1832-88

CITY TOW (ROBERT J. DUNY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert J. Duny) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1833-88

CITY TOW (JOE COLES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Joe Coles) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1834-88

CITY TOW (BARTH BROWN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Barth Brown) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1835-88

CITY TOW (AMY BLACKSTONE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Amy Blackstone) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1836-88

CITY TOW (WILLIE FRANKLIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Willie Franklin) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1837-88

CITY TOW (JOHN HENRY ARTHUR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (John Henry Arthur) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1838-88

KATHLEEN M. HERLIHY

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Kathleen M. Herlihy in the sum of \$150.00 as a result of nonpayment for a tow, be, and the same is hereby approved.

Date of Incident: July 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1839-88

TIMOTHY H. WHITE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Timothy H. White in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1840-88

R. NEAL SKILLMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of R. Neal Skillman in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
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DEPARTMENT OF THE HISTORY OF ARTS
THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS

Date of Incident: September 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1841-88

CITY TOW (GEORGE WATERS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (George Waters) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1842-88

JEFFREY JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Johnson in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1843-88

DAVID J. HARNESS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David J. Harness in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1844-88

CITY TOW (MARY VALLERY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mary Vallery) in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1845-88

GEORGE B. SCHNAPP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George B.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
LAND OFFICE
OF THE STATE OF ILLINOIS
FOR THE YEAR 1891

CHICAGO
PUBLISHED BY THE
STATE OF ILLINOIS
1892

THE UNIVERSITY OF CHICAGO
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REPORT OF THE
COMMISSIONERS OF THE
LAND OFFICE
OF THE STATE OF ILLINOIS
FOR THE YEAR 1891

Schnapp in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1846-88

FRANK PAUL KOMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Paul Komes in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1847-88

CITY TOW (ANDREW SIRKIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Andrew Sirkin) in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1848-88

CITY TOW (LESLIE C. McLAUGHLIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Leslie C. McLaughlin) in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1849-88

CITY TOW (KEVIN J. MAHON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Kevin J. Mahon) in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1850-88

CITY TOW (MICHELLE ANN KOSTER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Michelle Ann Koster) in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1851-88

CITY TOW (TERRELL L. JENKINS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Terrell L. Jenkins) in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1852-88

CITY TOW (THOMAS JACOBSEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Thomas Jacobsen) in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1854-88

CITY TOW (ROBERT M. BRUCE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert M. Bruce) in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1855-88

WILLIAM WEI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Wei in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

THE HISTORY OF ARTS
IN THE MIDDLE AGES

BY
J. H. M. VAN DER KAM

CHICAGO: THE UNIVERSITY OF CHICAGO PRESS
1911

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

THE HISTORY OF ARTS
IN THE MIDDLE AGES

BY
J. H. M. VAN DER KAM

CHICAGO: THE UNIVERSITY OF CHICAGO PRESS
1911

THE UNIVERSITY OF CHICAGO

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1911

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1911

Date of Incident: August 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1856-88

CHRIS LAYTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Layton in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1857-88

THEODORE R. KELTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Theodore R. Kelter in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1858-88

LORETTA LOWE

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Loretta Lowe in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1859-88

JON D. HICKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jon D. Hicks in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6-7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1860-88

ALEJANDRO MISLANG, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alejandro

PUBLISHED WEEKLY
CHICAGO, ILL., MAY 1, 1914

Vol. 11, No. 19

Price, Five Cents

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J. H. HARRIS, M.D., AND J. H. HARRIS, M.D.

Misland, Jr. in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1861-88

MARKUS & JILL CRAMA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Markus and Jill Crama in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1862-88

CYNTHIA RETZLASS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia Retzlass in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1863-88

DENNIS CRITESER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Criteser in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6-7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1864-88

KATHLEEN G. NOONAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen G. Noonan in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

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540 EAST 57TH STREET
CHICAGO, ILL. 60637

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THE UNIVERSITY OF CHICAGO
LIBRARY

540 EAST 57TH STREET
CHICAGO, ILL. 60637

RESOLUTION NO. 1865-88

PATRICIA METZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Metz in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1866-88

CITY TOW (MARY ANN WILLIAMS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mary Ann Williams) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1867-88

CITY TOW (ZAREH KEUROGHUAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Zareh Keuroghuan) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1868-88

CITY TOW (WANDA GAMARRA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Wanda Gamarra) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

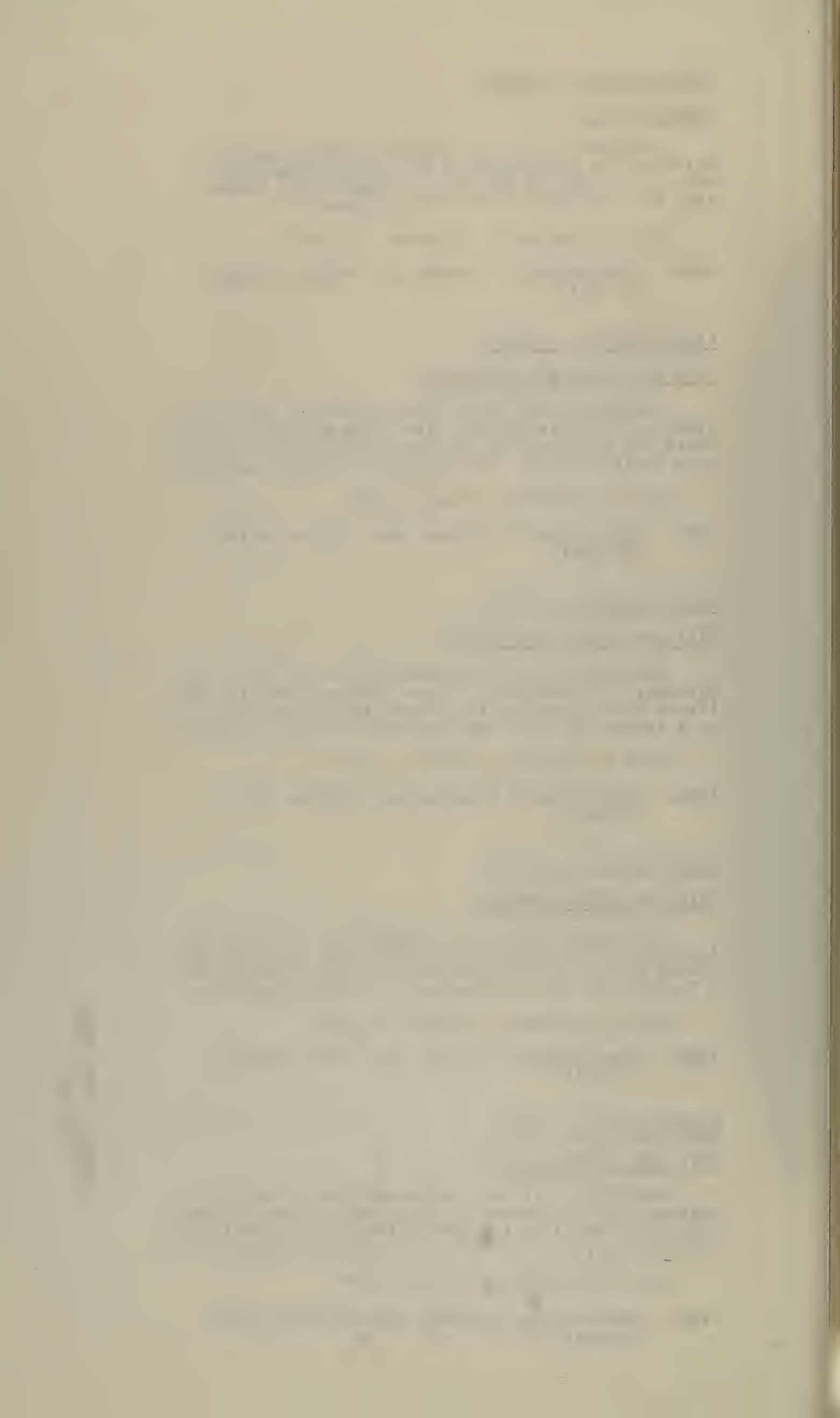
RESOLUTION NO. 1869-88

CITY TOW (ROBERT L. BALL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert L. Ball) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



POLICE COMMISSION REPORT

Commissioner Giraudo announced that there is no Police Commission report this evening.

(a) PUBLIC COMMENTS

Mr. John Crew, attorney for the ACLU, said that he was here tonight not just as a member of the ACLU but also as a representative of the Coalition of the Homelessness. He said as a familiar face from the Coalition, it is his job to introduce the small delegation that has a small item for the Commission. He then pointed to the second row and introduced Mr. Dick Clark from St. Anthony's, Ms. Lisa Parsons, the coordinator of the BAR Association's Homeless Advocacy Project, Cleo Meade, a representative of the Homeless Task Force and Peter Ryan who has a brief presentation and is the Executive Director of Lotus House. Mr. Crew said he would like to call on Mr. Ryan to speak and Mr. Crew then passed out documents to each of the Commissioners. Mr. Ryan then came forth and said he would like to take this opportunity to give the Commission a brief overview of who the Coalition is. He said the Coalition was formed in December 1987 consisting of approximately fifty (50) different service providing agencies, Advocacy Agencies of the Homeless population in San Francisco as well as many members of the formerly homeless people. He said to the Commissioners that what Mr. Crew just handed to them is a resolution that they would like to have calendared for the November 2nd Commission Meeting in order to give the Commission the time to look it over and give the Homeless Coalition some feedback on it. He said they were bringing this resolution before the Commission because of the several complaints that many of their agencies have received. Report that on General Order D-6 are not really being followed by the officers. He said this is why they are asking that this resolution, at this time, be placed on the Commission's November 2nd agenda.

Commissioner Giraudo said that from his view point what he would like to do is to have the City Attorney's Office read this before the Commission calendars it so that the Commission can get some idea of the propriety of the language if it is going to be held in a public forum and subsequent decision. He said he would like to make sure it is legally sound and correct from the point of view of the Police Commission.

Mr. Crew said most of the material is quoted from the existing Department's General Orders and one reason they wanted to give the Commission and the Department's Legal Office enough time to review it, is if there are problems, to deal with those problems before hand. He said that they thought that three (3) weeks seemed to be a reasonable amount of time and given that these are on going current active concerns, he didn't think that the Commission would want to put it off too long.

Commissioner Medina said he would make a motion to have it calendared for November 2nd, Commissioner Lee seconded and it was unanimously approved.

Mr. Crew then stated that perhaps on October 26th, if it looks like the 2nd will not work if the Commission could let them know he could spread the work that more time was needed.

Sergeant Joe Williams then came forth announcing himself as the President of the Officers for Justice. He said the item he was about to speak on has to do with copies of a bulletin that he handed to Lieutenant Frazier to be distributed to the Commissioners. He said he felt compelled to address this issue because he hadn't had any sleep since it was brought to his attention. He said this bulletin came to his attention yesterday morning when several copies were found in the Fencing Detail, Sexual Assault Unit and a copy was also found at Mission Police Station. He said he did not know the source of this official looking bulletin but it has the appearance of authenticity with this Department's Information Bulletin Letterhead. He said he was personally offended and outraged by this material. He said members of his elected staff and members of his Association are also offended and angered. He said this type of material has no place in the San Francisco Police Department and the Commission and the Chief should make it perfectly clear that this type of action will not be tolerated, that those parties responsible, should be uncovered and disciplined appropriately. He said he had requested, and the Chief has agreed, that an investigation into this matter will be made.

Chief Jordan said the investigation is underway and has not been able to determine if the bulletin has been completely circulated throughout the Department but has pinned it down to the four locations named. He said it is definitely a fraudulently mis-representation of an Information Bulletin and Management Control is investigating it to see exactly where it came from.

Commissioner Giraudo said that what Sergeant Williams has just said is so true and correct and until this childless nonsense stops, the Commission is going to continue to see the Police Department bashed. He said it just brings tremendous discredit to the entire SFPD. He said he would hope that Management Control is able to find the person(s) responsible and hopes they are punished accordingly. He said it is bigotry and he apologizes to the Sergeant and the Officers for Justice for people like that being in the SFPD if in fact it was done by SFPD members.

Commissioner Medina said that before Sergeant Williams leaves that he wanted him to know that he sees this as much stronger than juvenile mentality and that he sees it as a strain of racial bigotry that does exist along with sexual bigotry in the SFPD. He said he felt this bulletin was reflective of that and activities of this nature certainly needs to be corrected.

Commissioner Orr-Smith said she knows what the Department's Policy is on Affirmative Action, but perhaps another resolution is needed or something to the effect that this kind of thing will not be tolerated and that the Department's Policy and the Spirit of the Department's Policy may be drawn up or tightened up more specifically. She said she would be more than willing to work on drafting such a Resolution and then asked Commissioner Medina if he would be interested in co-authoring that with her. She said because the message that needs to go out to this Department and to elements like this is that this kind of thing is not going to be tolerated. The Commission is watching for it, and the Commission's attitude is one to hear and to support

the Consent Decree and all Legal Mandates that have been set before this Department and to see that they are fully adhered to with the spirit as well as the letter of their intent and this kind of thing is not going to intimidate the Officers for Justice neither is it going to intimidate or be tolerated by this Commission. She said she would like to spend some time in preparing that resolution and present it at the next meeting and have it circulated throughout the Department as well, so that everyone knows how this Department or this Commission regards such acts and give them notice of what it intends to do about this kind of things. So that would be my resolution.

Commissioner Nelder said he concurred in everything that's been said. He said he wanted Sergeant Joe Williams to realize and understand that there will be a full and complete investigation and every effort will be made to find out who the authors are and proper action will be taken if they are discovered.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had nothing further to add.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, OCC Director, said he had three (3) very short items. He said the first one is that they had requested and received with the Commissioners permission for the removal of the "Z" Classification from their position classifications in their office and he now respectfully request the Commission to calendar a Request for Supplemental Appropriation, which was previously discussed with the Commission regarding the overtime, for next week's calendar. He said their second item is that they have a requisition in for a Cantonese Speaking investigator. He said to date, they have done the following. They have distributed information in job requirements to the Chinese for Affirmative Action, Commissioner Lee, the Asian Law Caucus. They have talked to Robin Woo at the inter-group clearing house and also the District Attorney's Office who is having an Asian Investigators Conference this weekend and they are looking and distributing information in this regard for the OCC also. He said to date, they have not had one response. He said he would appreciate it if anyone knows of anyone that meets the requirements and they would certainly welcome them to try for the position. He said the third item was he would be willing to answer any questions the Commissioners may have regarding the OCC quarterly report presented to the Commissioners last week.

Commissioner Orr-Smith said her question had to do with the Huerta Investigation and if anyone had been able to speak with her as of this time?

Mr. Langer said they had been attempting to set up some interviews but as of this date they have not been able to do so.

Commissioner Giraudo said that he had seen Mrs. Huerta's attorney on TV last Wednesday when appeared before the Finance Committee of the Board of Supervisors and said that no one with the San

Francisco Police Department had attempted to contact her or Mrs. Huerta. He then asked Mr. Langer if prior to last Wednesday, had he attempted to get in touch with Mrs. Huerta.

Mr. Langer said he would estimate he had logged at least ten (10) or fifteen (15) calls to her and her attorney with telephone numbers and he would be happy to bring their long distance telephone bill with the Sacramento numbers on it dated prior to the date in question to the Commission and show them. He said he has talked to Mrs. Huerta's son and her attorney and he has the dates and times logged and they are prior to the time the attorney states.

Chief Frank Jordan said that he can also add the same comments that when he turned over the card that was handed to him by Attorney Dianna Lyons to Management Control, they said they had already spoke with her numerous times prior to that time also.

RESOLUTION NO. 1790-88

REVISION OF DEPARTMENT GENERAL ORDER D-8, "PERSONNEL PROCEDURES

RESOLVED, that the Police Commission hereby approves revised Department General Order D-8, "Personnel Procedures:.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON CONSIDERATION OF INCREASE IN SIZE AND CAPACITY FOR JITNEY BUSES

Officer Linda Flanders, Taxi Detail, said since the first time they appeared before the Commission regarding the Jitney Industry, only one Jitney operator has come to them requesting assistance in whatever way the Taxi Detail might be able to put him back to work and he requested to be allowed to buy a new van to be able to increase his passengers from 15 to 21. She said in 1983, the Board of Supervisors passed a law, Section 1086 of the MPC, limiting the size of a Jitney Bus to 20 feet or less and having the capacity of 15 passengers or less. She said the only working Jitney right now is Mr. Losa's on 3rd Street and he was the only one that was grandfathered in allowing him to have 21 passengers. She said the Commission does not have the legal ability to authorize Mr. Cortez to have 21 passengers as it has to be done by an Ordinance of the Board of Supervisors. She said, however, John Morris of the City Attorney's Office is, right now in the process, with Supervisor Carol Ruth Silver, of writing Proposition P which if passed by the voters would eliminate Proposition K regarding motor vehicles for hire. She said at this time they would request for the Commission to add their support in the re-writing of this Proposition. She said they would request, if possible, that a letter be written to Supervisor Silver requesting that during the re-writing of this Proposition that Jitneys be allowed to go to an extension of a passenger capacity of 21 passengers rather than limiting it to what they have now.

Commissioner Nelder said he would move approval because he felt that Jitney drivers should, if they can, be able to utilize a vehicle similar to the shuttle vans now in use in other transportation areas, and can handle the insurance costs, the Commission should support them and do what it can to put them back into the streets. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 1791-88

HEARING ON CONSIDERATION OF INCREASE IN SIZE AND CAPACITY FOR JITNEY BUSES

WHEREAS, Section 1086 of the Municipal Police Code, quoted herewith in part, reads, "vehicle less than 20 feet in length, other than a streetcar, traversing the public streets between certain definite points or termini and conveying no more than 15 feet passengers for a fixed charge..." and

WHEREAS, a possible amendment could read "vehicle less than 25 feet in length, other than a streetcar, traversing the public streets between certain definite points or termini and conveying no more than 21 passengers for a fixed charge..."; therefore be it

RESOLVED, that the Police Commission does hereby support amending Section 1086 of the Municipal Police Code which will assist and support the rebuilding of the jitney industry in the City and County of San Francisco.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER CLINTON COOPER, COMMUNICATIONS DIVISION

Mr. Michael Gash said that Lieutenant Frazier had advised him that Mr. Clifton Jeffers, attorney for Officer Cooper, had called the Lieutenant and said he wasn't coming down to the Hearing tonight as he had filed a law suit in this regard yesterday.

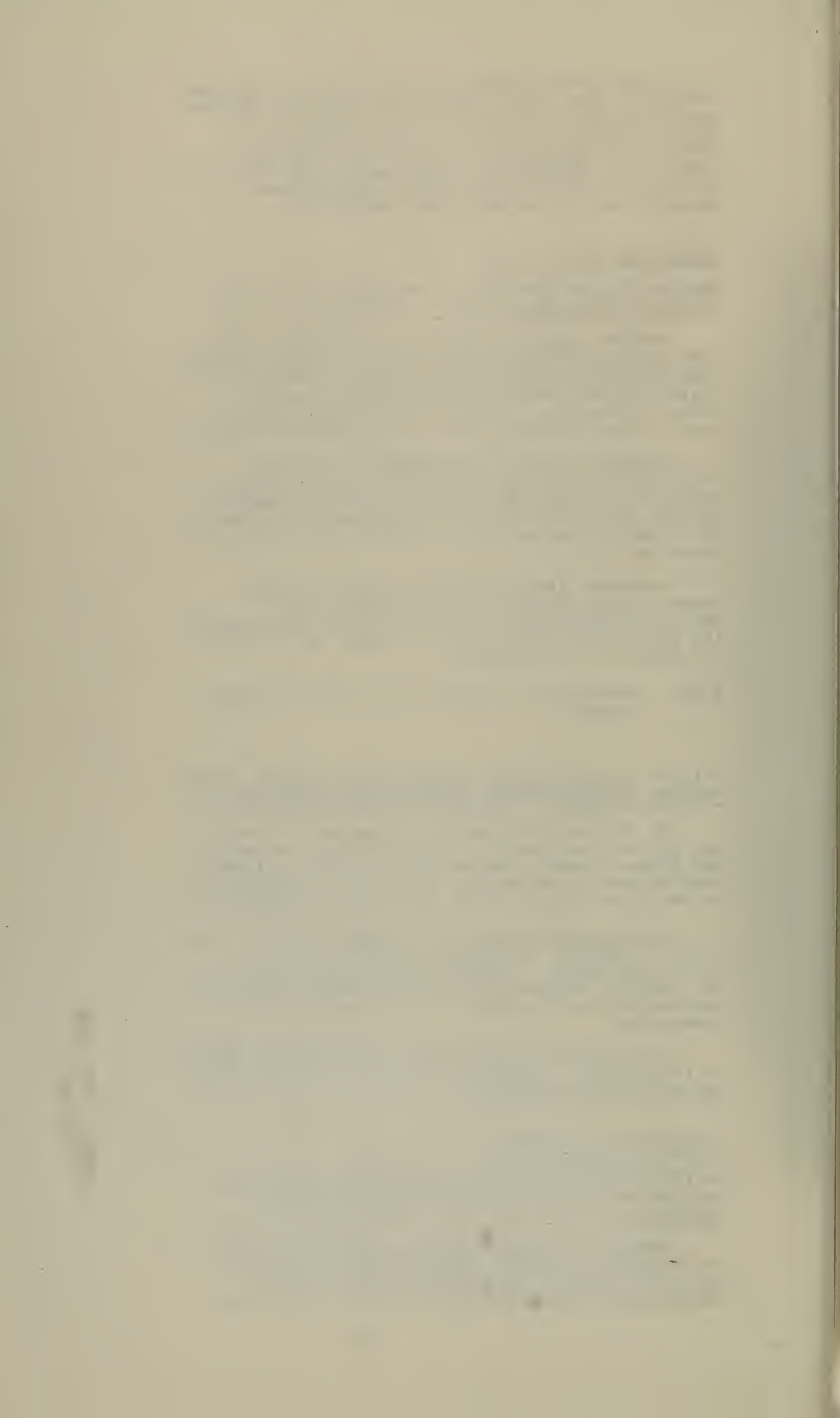
Commissioner Giraudo acknowledged and said that it is a complaint for Declaratory Relief and Injunctive Relief. He said the Commission should ask the City Attorney to come down here to its next meeting and explain just what this means to the Commission.

Commissioner Nelder said he would make a motion to that effect. Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 1789-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER PATRICK H. MIYAGISHIMA, COMMUNICATIONS DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Patrick H. Miyagishima, Communications Division, as follows:



SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

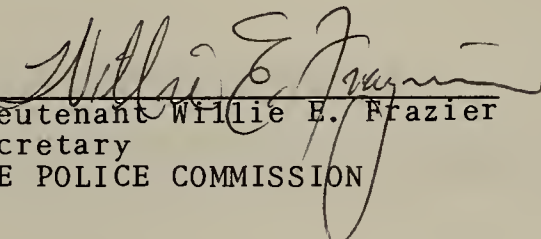
Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Patrick H. Miyagishima, Communications Division, is scheduled for Wednesday, October 19, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

The meeting, thereafter, was adjourned at 6:35 p.m..


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4528M

OCTOBER 19, 1988

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, October 19, 1988 at 1700 hours in Closed Session.

DOCUMENTS DEPT.

Commissioner Giraudo presiding.

JAN 3 1 1989

1. Attorney-Client Conference

SAN FRANCISCO
PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

OCTOBER 19, 1988

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, October 19, 1988 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

APPROVAL OF MINUTES OF MEETING OF JULY 27, 1988

Approval of Minutes of Meeting of July 27, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1875-88

JOHNNIE ROLLINS, et al vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Johnnie Rollins in Superior Court No. 821-172 entitled "Johnnie Rollins, et al vs. CCSF" in the amount of \$2,499.00 as a result of damages sustained, be, and the same is hereby approved.

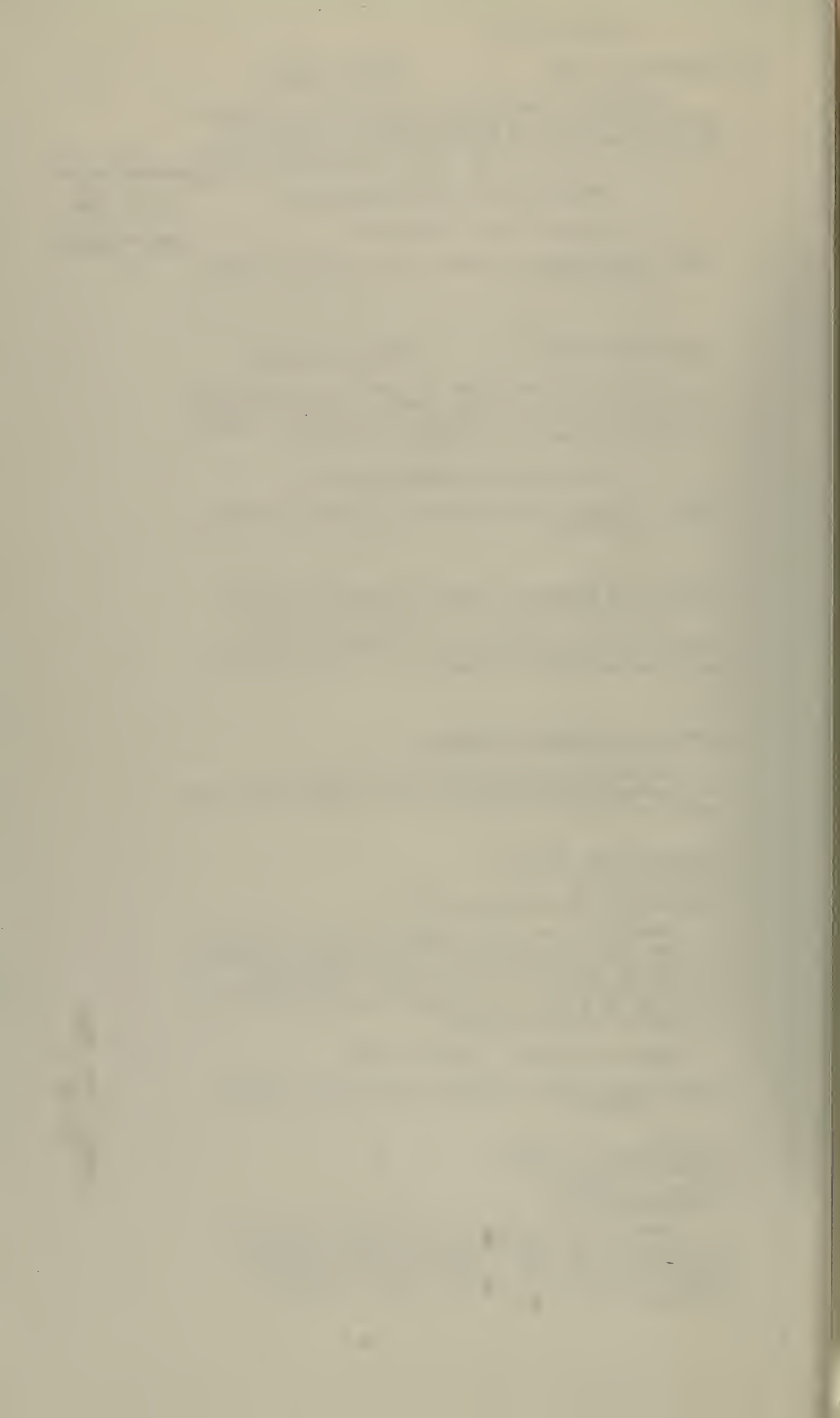
Date of Incident: June 7, 1983

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1876-88

KOOROSH DAROOGHEH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Koorosh Daroogheh in the sum of \$915.50 as a result of damages sustained, be, and the same is hereby approved.



Date of Incident: February 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1877-88

MILNE TRUCK LINE, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Milne Truck Line, Inc. in the sum of \$762.96 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 14, 1985

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1878-88

YELLOW CAB COOPERATIVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Cooperative in the sum of \$720.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1879-88

IRA FINLEY vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Ira Finley in Small Claims Court No. 480-772 entitled "Ira Finley vs. CCSF" in the amount of \$621.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1880-88

STEPHEN M. MASSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen M. Massey in the sum of \$343.49 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1881-88

TIMOR KATZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Timor Katz in the sum of \$193.83 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1882-88

CITY TOW (VICABRAL, ALDERZON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Vicabral, Alderzon) in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1883-88

SVEN JORGENSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sven Jorgensen in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1884-88

JOSEPH LOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Loo in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1885-88

CITY TOW (VESCO, JOSEPH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Vesco, Joseph) in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1886-88

JOHNSON WOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Johnson Woo in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1887-88

CITY TOW CO. (STROHMEYER, ROBERT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Strohmeyer, Robert) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1888-88

CITY TOW CO. (SMITH, JAMES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Smith, James) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1889-88

CITY TOW CO. (SHERIDAN, RICHARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Sheridan, Richard) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

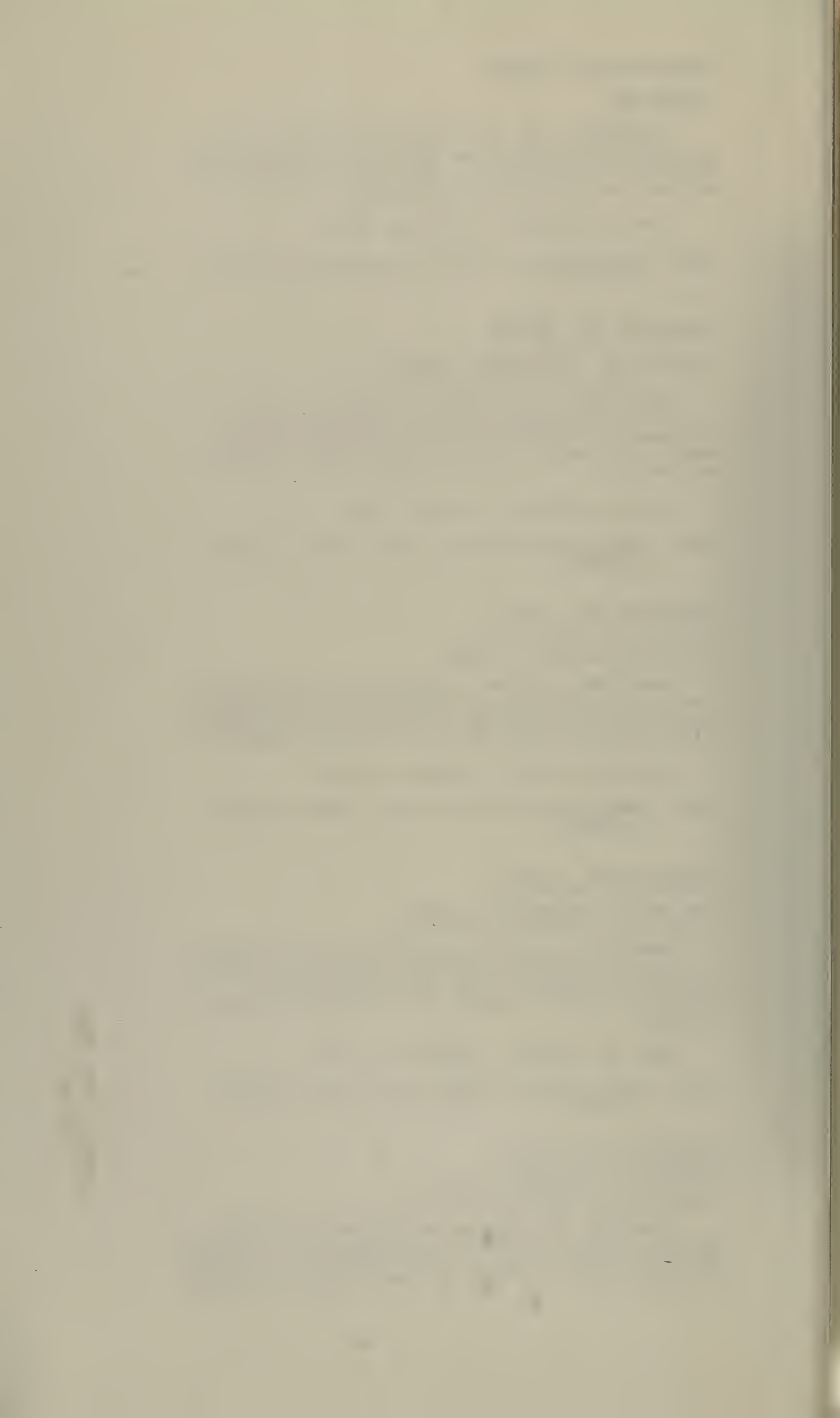
Date of Incident: August 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1890-88

CITY TOW CO. (NAVARRA, ANNA A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Navarra, Anna A.) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.



Date of Incident: April 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1891-88

CITY TOW CO. (LEE, TERRY O.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Lee, Terry O.) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1892-88

CITY TOW CO. (LIKERMAN, CHARLES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Likerman, Charles) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1893-88

CITY TOW CO. (LUCIA, R.T.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Lucia, R.T.) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

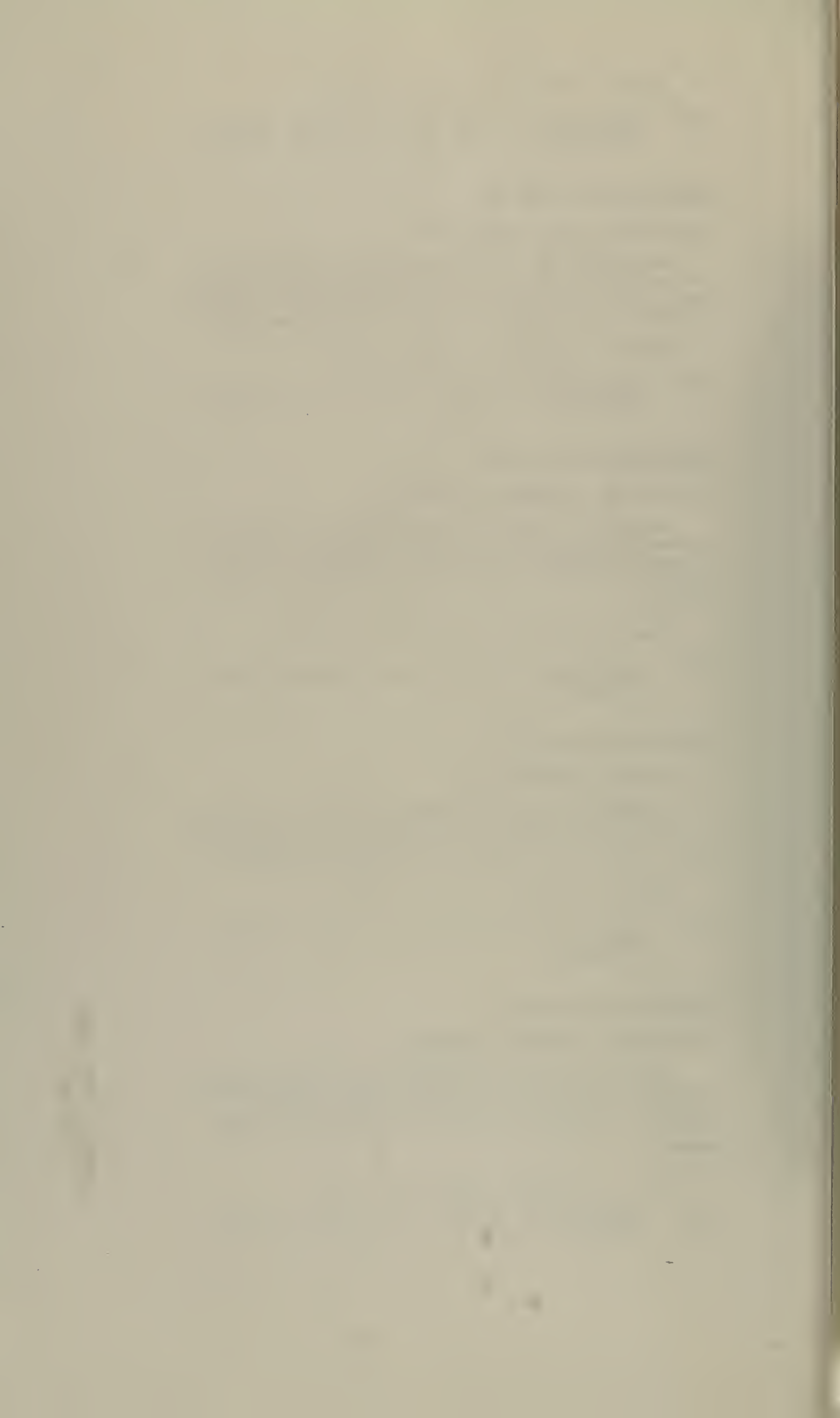
RESOLUTION NO. 1894-88

CITY TOW CO. (CARRETTA, PATRICK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Carretta, Patrick) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



RESOLUTION NO. 1895-88

CITY TOW CO. (BUSEN, NICHOLAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Busen, Nicholas) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1896-88

CITY TOW (BRUGGISER, ANTONIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Bruggiser, Antonia) in the sum of \$100.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1897-88

CITY TOW (WEINER, RICHARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Weiner, Richard) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1898-88

CITY TOW CO. (MACDOUGALL, PAUL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (MacDougall, Paul) in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1899-88

CITY TOW CO. (CUNNINGHAM, NANCY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Cunningham, Nancy) in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1900-88

CITY TOW CO. (COCKE, WILLIAM L.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Cocke, William L.) in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1901-88

CITY TOW CO. (CASTILLO, EUSEBIO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Castillo, Eusebio) in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1902-88

CITY TOW CO. (BATES, KIMBERLY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Bates, Kimberly) in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1903-88

CITY TOW CO. (NAVAS, WILLIAM R.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Navas, William R.) in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1904-88

CITY TOW CO. (ZOCFAGHARE, JAVAD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Zocfaghare, Javad) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1905-88

CITY TOW (OW, ARTHUR K.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Ow, Arthur K.) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1906-88

CITY TOW (ILIADIS, FEDON N.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Iliadis, Fedon N.) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1907-88

CITY TOW (SOHN, MICHAEL D.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Sohn, Michael D.) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1908-88

CITY TOW (SAXON, CHRIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Saxon, Chris) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1909-88

CITY TOW (ORTIZ, JILL)

RESOLVED, that th recommendation of the City Attorney for settlement of the claim of City Tow (Ortiz, Jill) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1910-88

CITY TOW (MURPHY, JOHN A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Murphy, John A.) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1911-88

CITY TOW CO. (WALKER, GREGORY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Walker, Gregory) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1912-88

CITY TOW CO. (VANIMAN, DAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Vaniman, Dan) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1913-88

CITY TOW CO. (SILVER, RICHARD L.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Silver, Richard L.) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1914-88

CITY TOW CO. (RUDDER, ERIC)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Rudder, Eric) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1915-88

CITY TOW CO. (MIRANDA, F.A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Miranda, F. A.) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1916-88

CITY TOW CO. (HENDERSON, LARRY J.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Henderson, Larry J.) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1917-88

CITY TOW (MOLS, DIEGO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Mols, Diego) in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1918-88

IRENE S. TAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Irene S. Tam in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

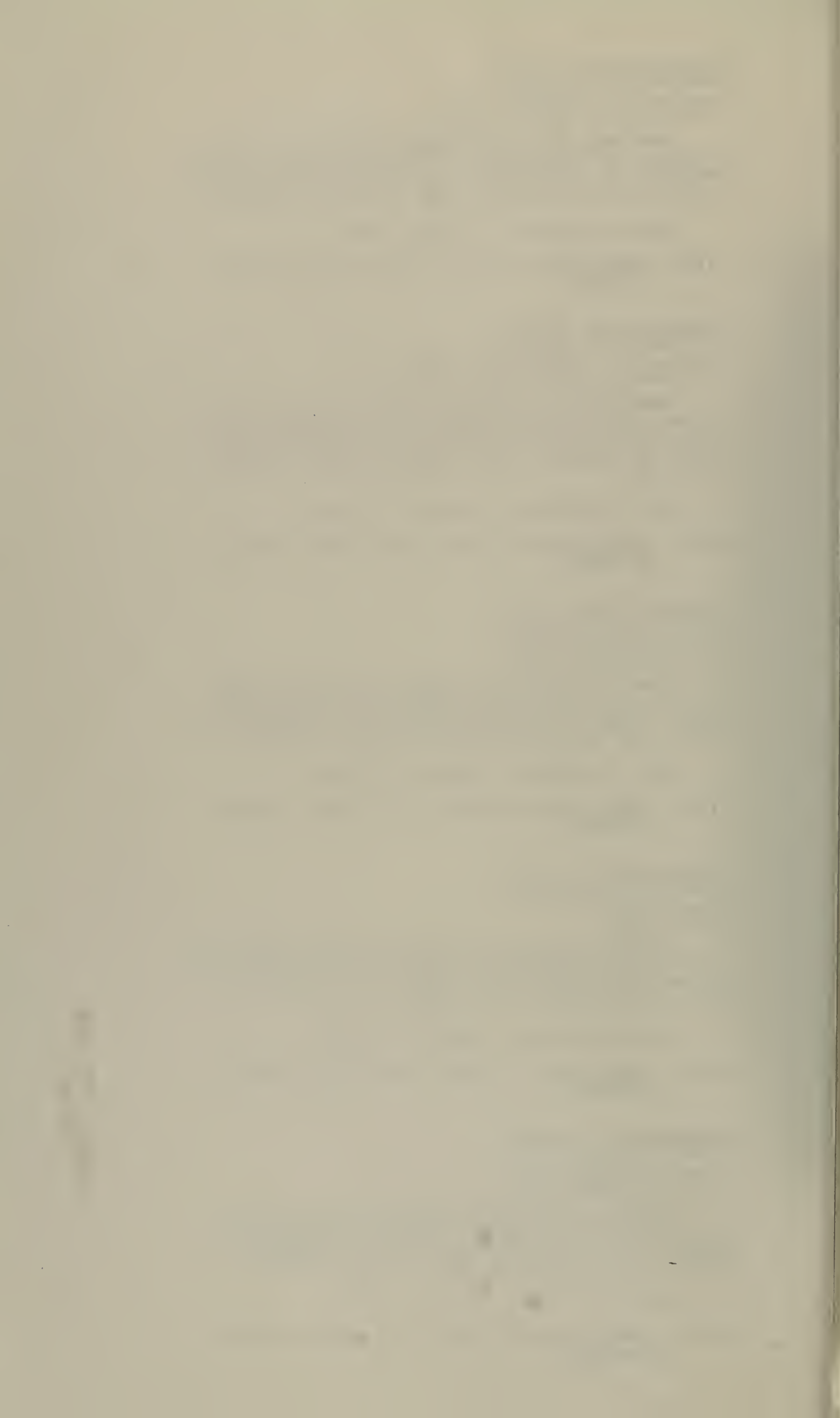
RESOLUTION NO. 1919-88

RALPH E. SWEENEY, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph E. Sweeney, Jr. in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



RESOLUTION NO. 1920-88

LINDA SUGAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Sugar in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1921-88

MICHAEL B. LORING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael B. Loring in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1922-88

CATHERINE HIGHIET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine Highiet in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1923-88

CLAUDIA HERNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Claudia Hernandez in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1924-88

BENNY CHU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benny Chu in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1925-88

DOUGLAS L. CHAMBERS

RESOLVED, that th recommendation of the City Attorney for settlement of the claim of Douglas L. Chambers in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1926-88

JANIS CARTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janis Carter in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1927-88

CONSTANCE KOZLOWSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Constance Kozlowski in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1928-88

THOMAS W. DEAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas W. Deal in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

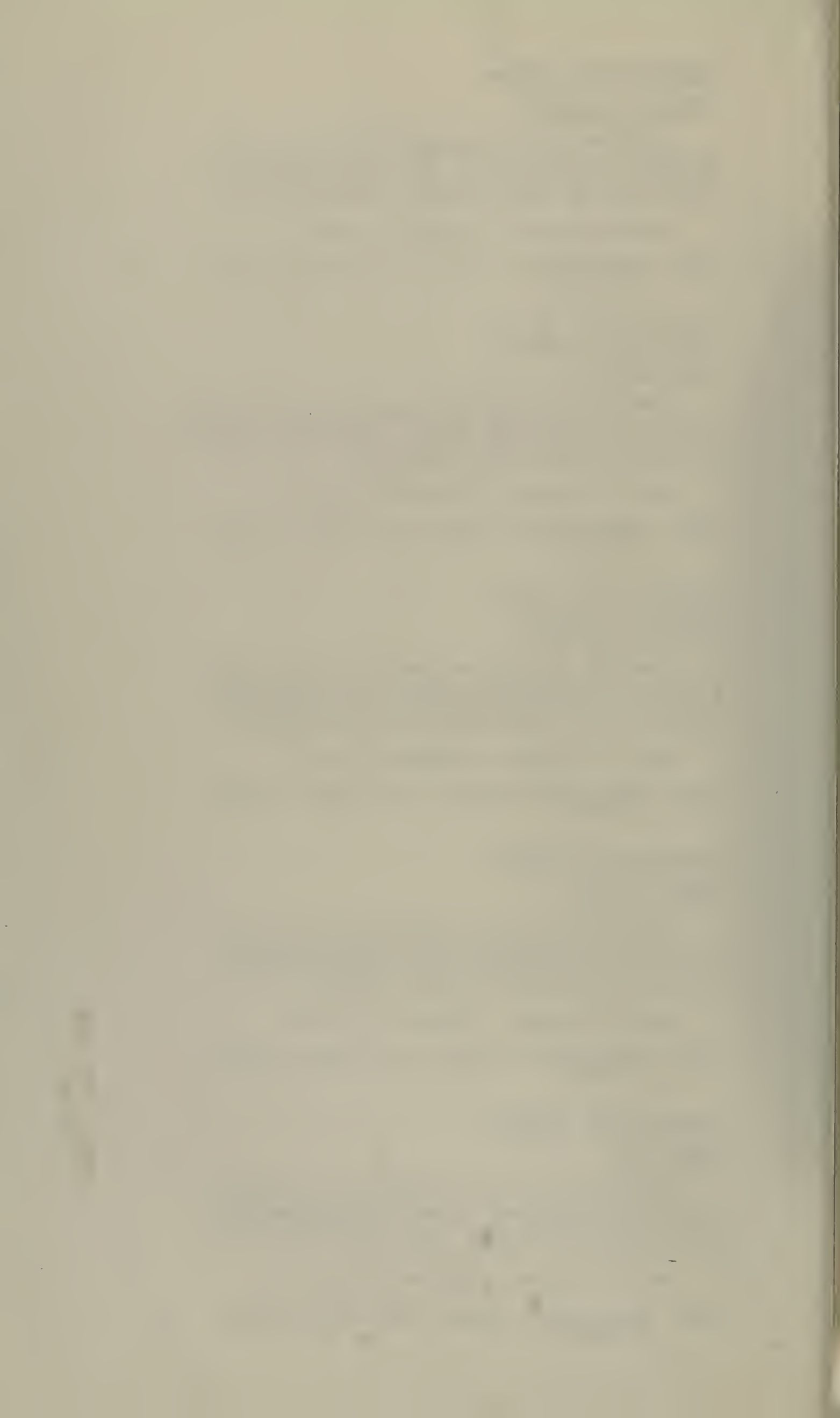
RESOLUTION NO. 1929-88

SHAWN LYTTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shawn Lytle in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



RESOLUTION NO. 1930-88

MERYL GORDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Meryl Gordon in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1931-88

PENELOPE A. CHACONAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Penelope A. Chaconas in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1932-88

MARGOT BAISMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margot Baisman in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1933-88

PETER G. LENGSEFELDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter G. Lengsfelder in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

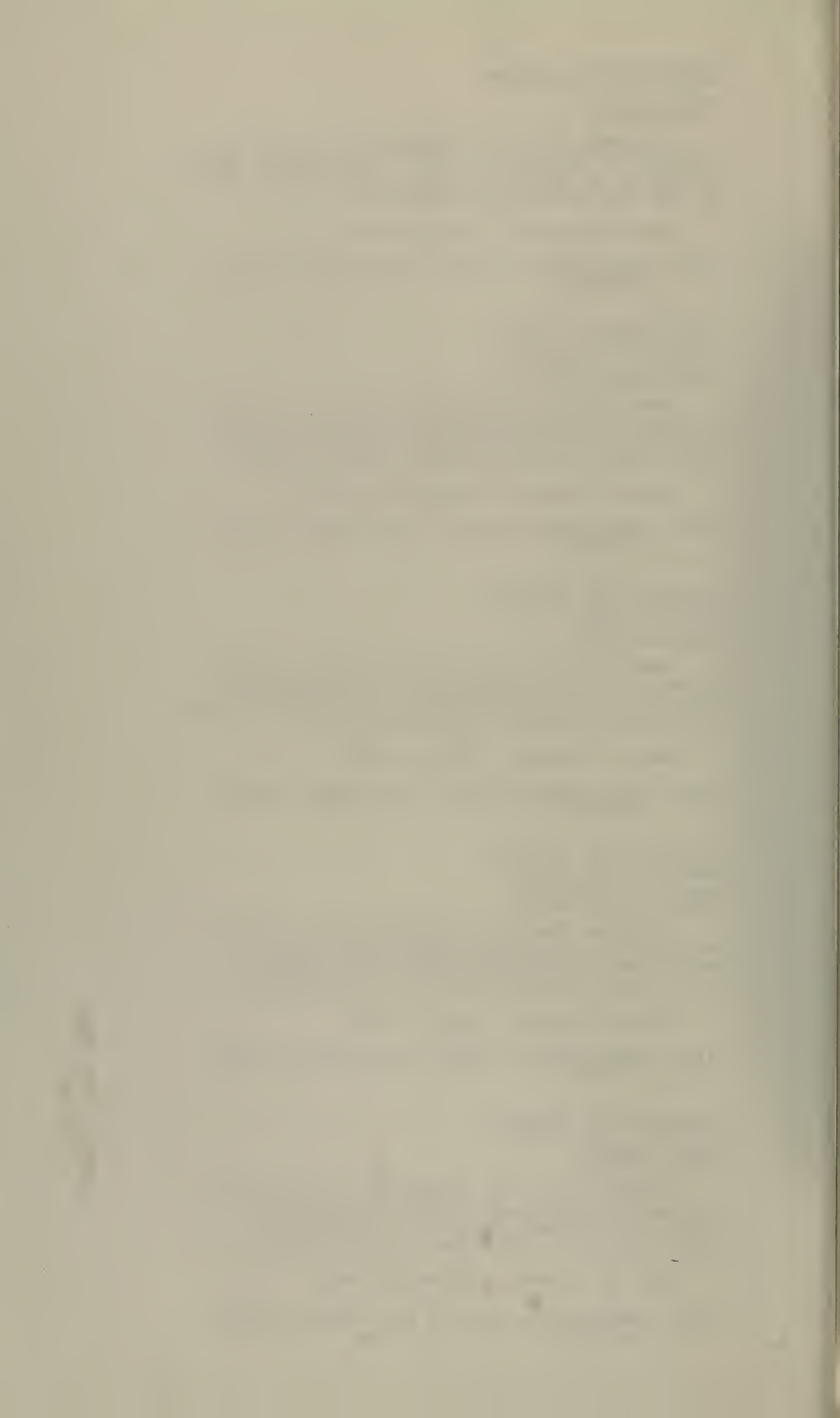
RESOLUTION NO. 1934-88

KELLY ANDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kelly Anderson in the sum of \$25.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



RESOLUTION NO. 1935-88

ANTHONY J. BENN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony J. Benn in the sum of \$74.15 as a result of loss of property, be, and the same is hereby approved.

Date of Incident: June 14-15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

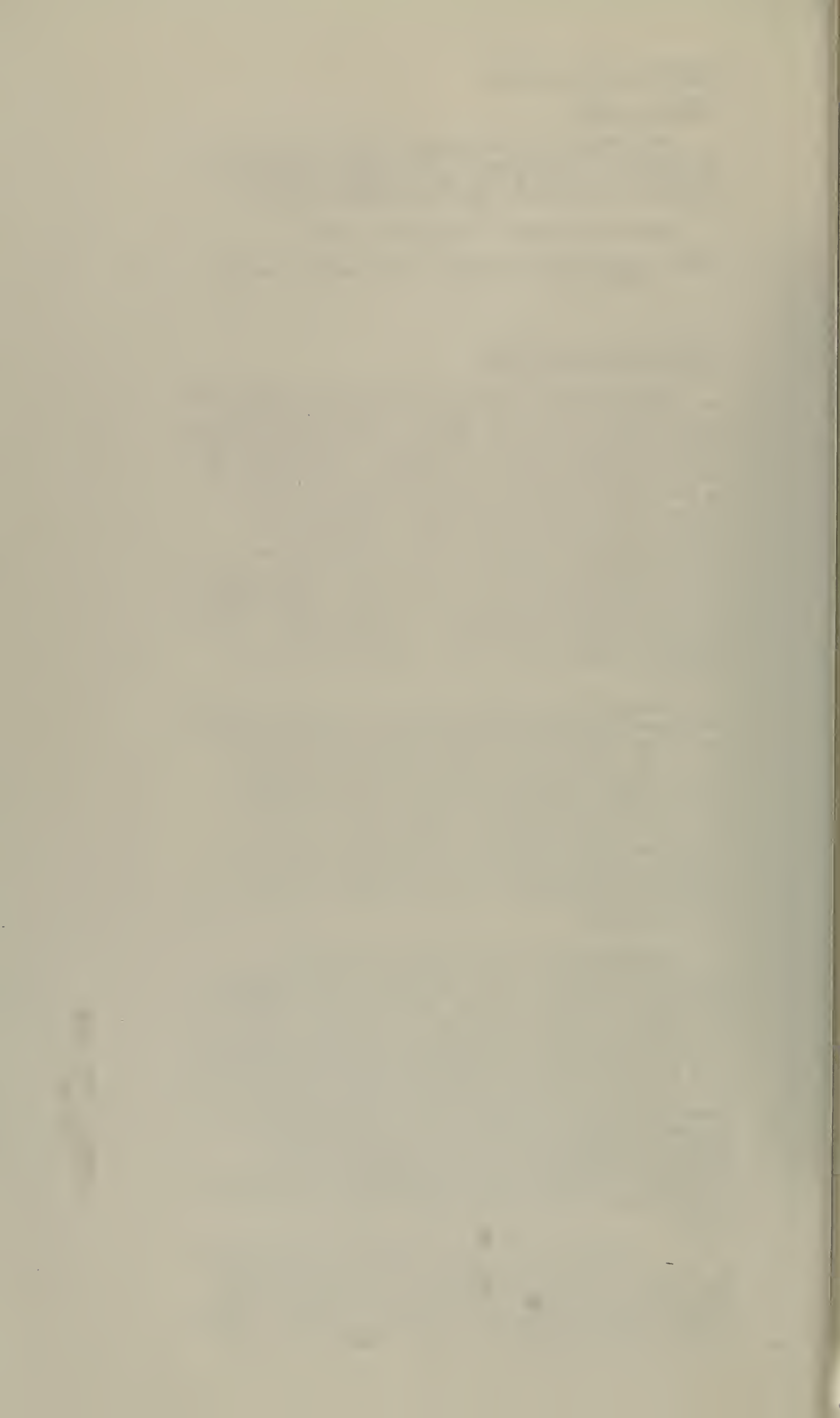
POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met this date in Executive Session on Personnel Matters and no vote was taken. He then said what he would like to do before the Commission moves on is to ask the Deputy Chief a question. He said at the last meeting the Commission reviewed what appeared to be a Police Bulletin that was apparently disseminated or sent out to various stations or areas of the Police Department. He said the Commission, on learning of this, asked for an investigation to commence. He said he would like to know at what point or what stage that investigation is currently in at this point. Deputy Chief Casey said the case was assigned to the Management Control to conduct the investigation. He then asked Inspector Waterfield to come forward and briefly comment.

Inspector Waterfield said that so far they have determined that the Bulletin had circulated beyond the three original areas that were reported last week. He said a few of the original copies have been retained. He said most of the units that received them identified them for what they were worth and threw them away immediately. He said he has just today submitted a progress memo to Lieutenant Gary Pisciotto of Management Control. Inspector Waterfield continued by saying he had not identified any person(s) responsible as yet nor determined whether the origin was within the Hall of Justice or not.

Commissioner Giraudo thanked Inspector Waterfield and said that the Commission is very seriously concerned about that particular bulletin regardless of where it came from or how it came from and share a common opinion that this has to be investigated to its fullest and every effort has to be made to identify the origin of the bulletin. He said he felt he should let Commissioner Orr speak at this time but he just wanted to say it is the Commission's opinion that if it is pursued with the seriousness that it needs to be pursued that it should be identified as to its origin and the Commission should be able to take corrective measures. He said he felt Commissioner Orr might be better able to articulate what she spoke to last week.

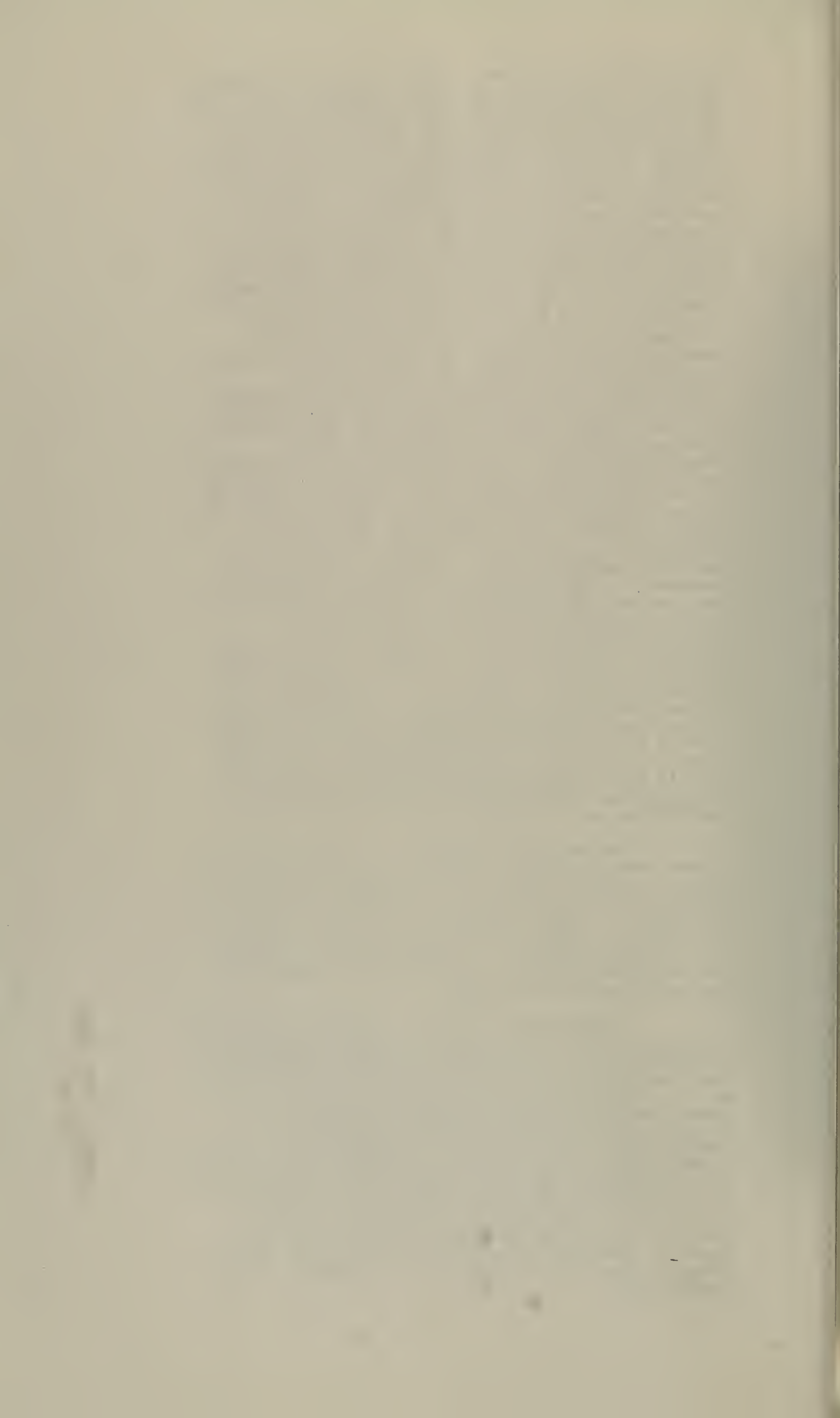
Commissioner Orr: "When we first learned of this last week we were outraged as a Commission that such a thing could happen in this Department. There are specific Special Orders and General Orders prohibiting such behavior. We think it is a violent affront and disrespectful and we vehemently object



to this kind of activity. And last week I proposed to draft a Resolution and I still propose to do that but as I went about to do that I wanted to make sure that a Resolution would be the most effective and the most stringent thing that we as a Commission could do in order to physically exert our objection to this and make it known throughout the Department as well as the City of San Francisco. So what I have asked and what we plan to do is to hold off on this Resolution at this point to see if a more appropriate step in terms of either issuing another order strengthening the General Order or Training Bulletin or more stringent supervisory requirements should be set in place to make sure that this kind of practice is not in fact a practice or that a procedure like this is not even considered as a possible activity within the ranks and file of this department and my concern is that we speak specifically to certain kinds of police procedures within the Department any kind of activity of this kind that would surface is something that we want to stamp out as quickly as possible and find responsible parties. We don't want to allow anyone to think that this is the kind of thing they can get away with that the Commission is going to allow to happen and that there will not be any reprisals from this Commission. So I would hold off on the Resolution at this time to make sure that it's not just more words on paper. To make sure that, if necessary, it gets the kind of vigorous attention that we feel this Commission can give to it. So do not mis-interpret my delay at this point as a stalling tactic but I want to make sure that I am doing and the Commission is doing is the strongest possible response to this within the purview of our responsibility and authority as a Commission. So Sergeant Williams I appreciate your being here and if you have any further comments this week I would like to know that. We were specifically concerned about the status of the investigation in terms of what it might have yielded to make sure that it is searching out and ferreting every possible lead to identifying who is responsible for this activity."

Sergeant Joe Williams: "I would just like to say that I think that this Commission and the Chief--it seems to me that it is imperative the time and the timely response to something like this is important. I think putting it off gives a sense of well being to those individuals who are circulating this kind of material. I think to put it off and not have any response coming from this Commission two weeks hence is not good."

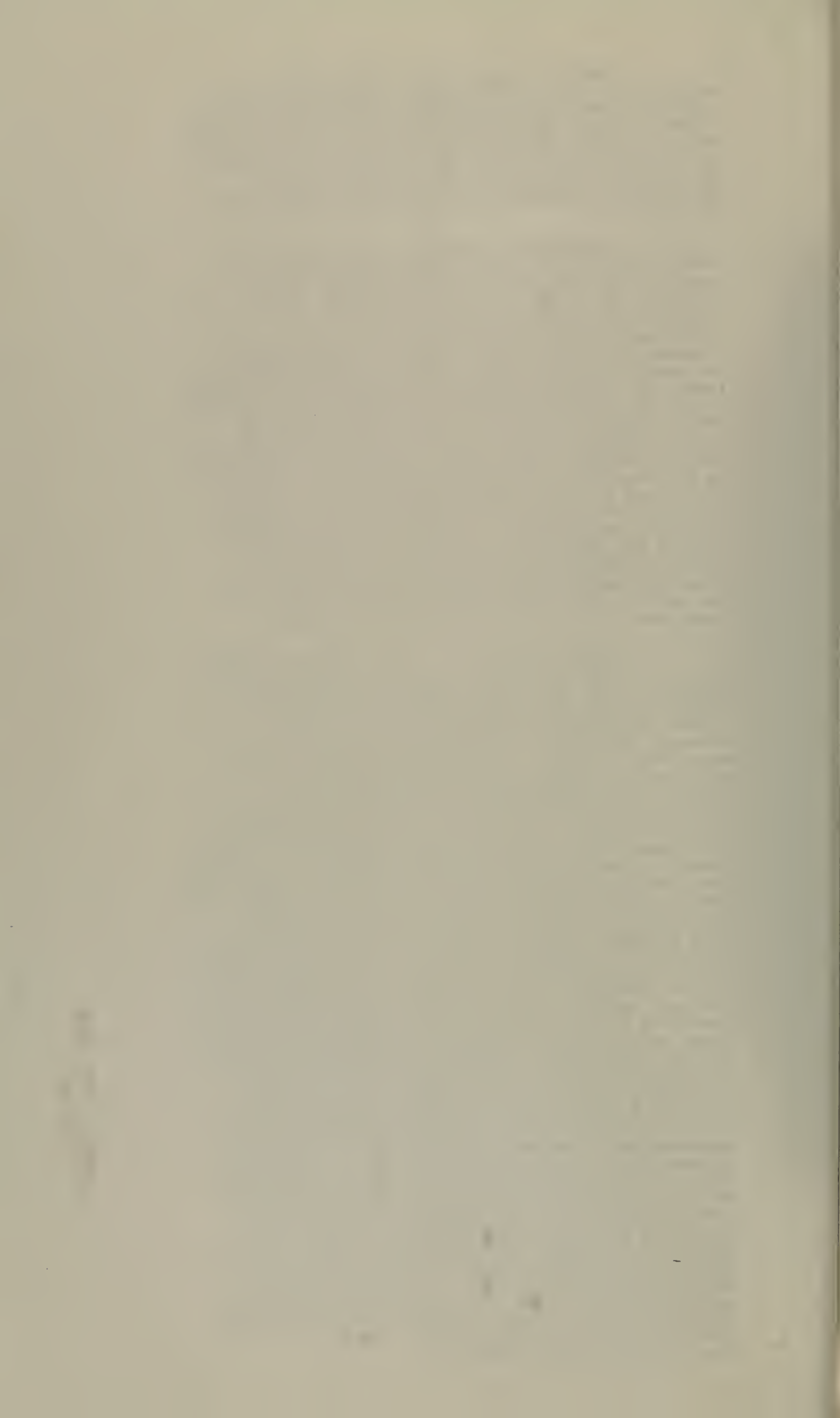
Commissioner Giraudo: "So let me ask you a question Joe? And I don't know what the impact of a Resolution or a statement from this Commission that would be read at the Station House is or would go on a bulletin board or....and I think I understand what you are saying that from your perspective it might appear as though what Commissioner Orr is ask not to for people to think, it may appear to the officers in general that we are just saying fine we have an investigation and we are not reiterating the policy and how the Commission feels about it bother from a legalistic point of view if you will an emotional point of view so I guess my question is that what you say you want a response from this Commission is that what you are suggesting?"



Sergeant Joe Williams: "Yes, my experience and it has been near twenty-five (25) years in this police department that the timeliness of the response condemning actions like this is very important. And when you put it off and not respond and let the troops know that this kind of stuff is not acceptable you give them a false sense of security and tolerance and acceptance of this kind of stuff."

Commissioner Giraudo: "See part of the thought process is maybe it may be that we do resolve something this evening in terms of the statement as to what we are going to do. One of my concerns about investigation is that if the investigation isn't swift and if it isn't extremely thorough that when people think they are going to get away with this because they are impossible to be found out I harken back and ask questions of various people in the Department that conduct investigations and it seems to me that we have solved a lot of crimes over the years by thorough investigations in what we consider impossible situations. I have got to believe that it can be done and I think that if we do have an attitudinal disposition that fosters this kind of activity then one of the ways to deal with that disposition is through the disciplinary process and procedure. Because you don't always change people's pre-conditioning and thought processes and patterns through education although you would like to think that is the case but sometimes it has to be a disciplinary process."

Commissioner Orr: "Joe I appreciate what you are saying but I hope you appreciate too that my thought is that we have a General Order, we have Special Orders and so far this thing happened. And I want everybody to know that we want to get somebody for this. I don't want to sound vicious I mean there was an action and there ought to be an equal reaction from this Commission and I am sensitive to the fact that it comes out just in the form of a bulletin or words I want the Department to understand that we will use the full resources of this Commission to combat and to thwart this kind of behaviour and not just issue Resolutions that may be some are already perceived as just words on paper or they wouldn't have done this in the first place. So my intent was to, in combination and conjunctions with perhaps drafting a resolution, but also if necessary to be more specific in terms of the General Order or the Special Orders making the Special Order on hate crimes a General Order and not waiting until February until it expires before that happens but something that was much more concrete and that would speak specifically to kinds of procedural responses to this like having Supervisors who immediately saw this bulletin bring it to the attention of their Commanding Officers and so forth. I wanted the Chain of Command to be activated and the Department polices and procedures to respond to this in a vigorous way. Now we said last week how we were opposed and outraged to this and if you want words for me to say that again I will say that but what I want is some meat and I want some potatoes and I want the people in this Department. We are not to issue you more paper, we are going to catch some people or if necessary and make some examples of what this department can do. We are supposed to be so good and efficient let's investigate ourselves and our processes and make sure that we have a structure in place that is going to work to enforce what it is we say we are going to do and it is not just a word program process."



Commissioner Nelder: "I think Joe, what Commission Smith says is accurate. You remember my saying last week before you left out the door that there will be a full and complete investigation and those persons that are responsible will be brought before this body. I did say that and I think that's the most important thing that can be done. I support everything that the Commissioner has said because you had to bring it here and that is not right. In other words I am sure you were not the first person to see that so as a consequence the information flows down it certainly should flow back up just as rapidly so that's our concern and there are rules and procedures and general orders and such which as Commissioner Smith has ably pointed out should either be re-written or certainly amended.

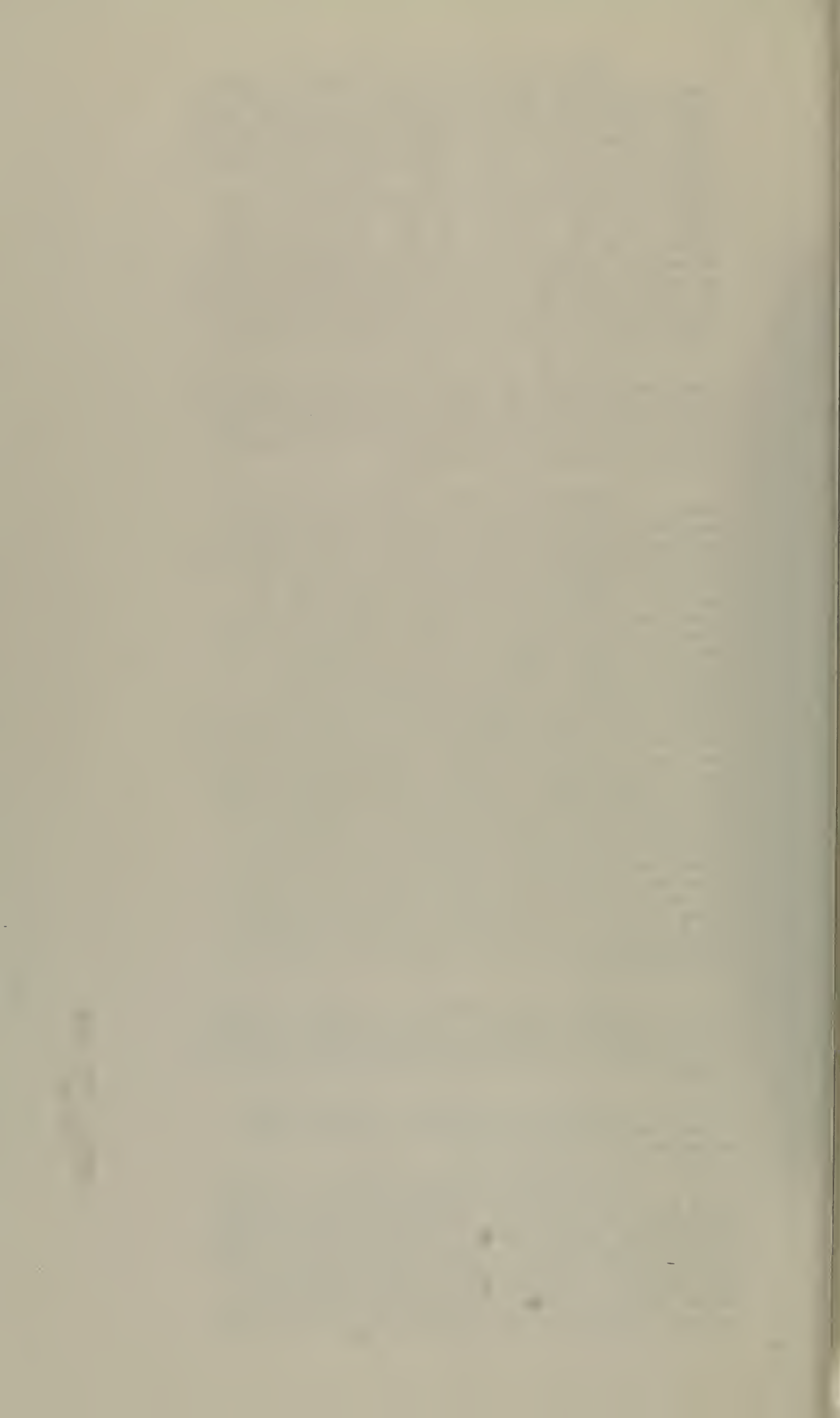
Sergeant Joe Williams: "I think also we might concern ourselves with the criminal aspect of this kind of activity. It's just not bigotry and racism there is a very good possibility that there may be a crime committed by duplicating something like this on Official Stationery."

Commissioner Orr: "That's right we are looking at the Fraud Code, the Penal Codes, the Department Orders as well. This is not something that we want done cursory and that's why I asked for Management Control's Report because as you know, I am a former police officer and an investigator, I know what the hell is suppose to happen in an investigation and I want to make sure that all the steps that are suppose to happen, happen and that everybody who is supposed to be inacted and activated, which says in the Special Order, 'The Patrol Officer or the Officer seeing this is supposed to make a report to the Supervisors, to the Supervisors of the Command and so on and so forth', and I want to make sure that it is done and if it is not done I want to know why. I don't want to just issue a Resolution that says I am mad because I am mad, the Commission is mad, I am disappointed that this happened and I don't want it to happen again but I also want people who wish to test this Commission to understand that we are not just a paper committee and we are going to do something about this to the spirit of the law as well as to the letter and if the letter isn't clear we are going to re-write the letter. Shall I make that a resolution? I would still rather make something more formal after we have some specific kinds of recommendations.

Commissioner Giraudo: "Is there anyone else who wishes to speak to this particular topic? I think that the Commission needs to have a briefing on the progress of the investigation, where its going."

Sergeant Joe Williams: "There is one other member from our Association who has a few words he would like to say."

Police Officer Donald Clyburn: "I just want to make something clear and it has me a little teed off, too. There is something that I witnessed at Southern Station today. I kind of alerted some of our fellow officers, black officers, that belong to our Organization about the letter that didn't know about it. And as I told them these several white officers walked by and when I mentioned the type of the letter, Officers for Just-Us, there was



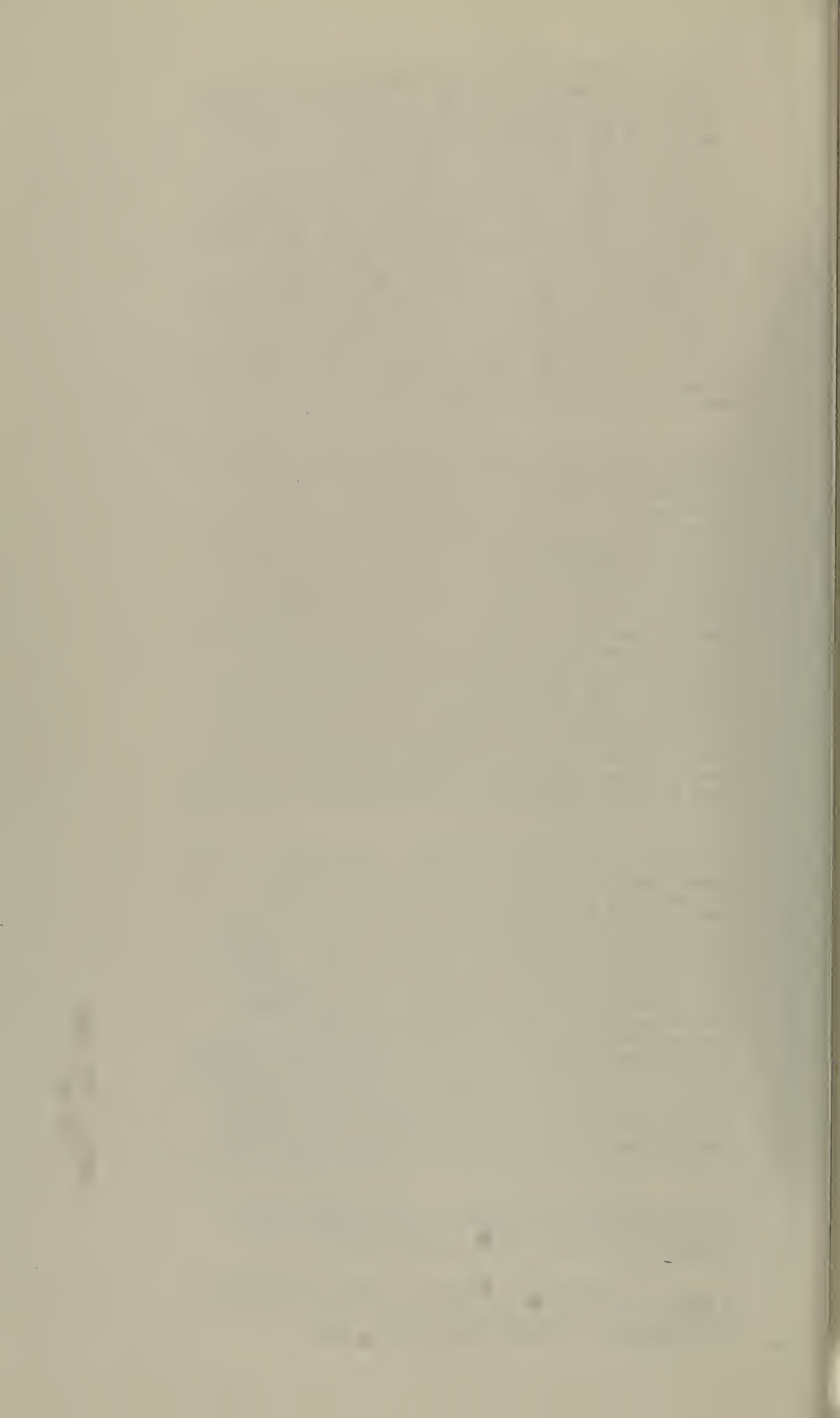
a lot of laughing and smirking going on. So, apparently a majority of the white officers in this police department know about it. And I here some whispering and laughing and I don't appreciate it and it is just something that I think is a real volatile issue and I kind of side with Joe. In order to head this thing off, something is going to have to be done. See, because we are at a stage in this department where there is a lot of animosity right now. From what I experienced and they looked directly at me and laughed about it and I don't appreciate that type of action. Just from me mentioning the letter, the type of the letter they know what I was talking about and they laughed and smirked and joked about it off to themselves and they were looking at me and the other several officers that I was talking to but that is something else it is not that the department doesn't know about it, the majority does know about it. I just wanted to bring that to your attention."

Mr. John Crew: "I should keep my mouth shut but that last comment triggered something, but I think it should not go without saying that the ACLU and other people of organizations and the private civil rights community share the outrage about this. The only suggestion that I would have is that these approaches aren't mutually exclusive I think that what we have to realize is that 1800 officers out here haven't heard your outrage and haven't heard it yet. In the meantime there are officers in the stations and on the streets that have to put up with this. I see no reason why there can't be some sort of Resolution tonight maybe quoting what Commissioner Orr-Smith just said so eloquently and then follow it up with more action. After all this is not going to be the short term process you have this issue, you've got amendments to General Order D-17 coming up, you have got a Special Order that is an on-going thing it's not a one shot deal so I guess the ACLU suggest to you to send a strong message in a timely fashion and follow it up with stronger action."

Commissioner Giraudo: "I am not sure that I disagree. I suppose that what struck the Commission is, is that the message is an all encompassing message that we're concerned about from the basis of the investigation all the way to the impact of D-17 and what needs to be done to it to make it even stronger if that's necessary. And I don't know what wording we would put to a resolution this evening that would have the impact that we would want it to have throughout the Department. Let me get back to the investigation while Commissioner Orr-Smith tries to see if she can come up with some wording. We, as a Commission, I think need to be briefed on where the investigation is and where it is going and I suppose that your comment Deputy Chief was with respect to all of the legal rights of everybody that's involved in any form of shape or manner that the public forum during the course of the investigation is not the proper forum."

Deputy Chief Casey: "Plus there are certain investigative steps we are going to take which hopefully are going to help us find the perpetrator we don't want made public."

Commissioner Giraudo: "Okay, alright and I guess there is the further legal issue that if the Commission is briefed fully on what the investigation is showing and then we have a



disciplinary hearing then the Commission is not in a position to conduct the Hearing or we could be.....

Commissioner Nelder: "Well that would be true Mr. President, I think, but I don't think anything would preclude this Commission from enacting a Resolution saying that: 'Last week an inflammatory racist report was circulated through this Department and this Commission has ordered a full and complete investigation to identify the perpetrators of this act and those who are responsible will be brought up on charges and brought before this Commission.' I think that you don't have to be too eloquent to say that, do you?"

Commissioner Orr: "So moved. Are there any amendments to that Resolution or additions?"

Commissioner Lee: "Second."

Mr. John Crew: "I am sorry, it is our understanding that there was a certain amount of sexism involved in that particular Bulletin as well and that is a message not to just racial minority officers but to female officers. I don't know if it lessens the impact to add the word and sexist and that would be our suggestion."

Commissioner Medina: "Okay, I move the amendment to include that language."

Commissioner Nelder: "Second."

Commissioner Orr: "And one other, it says here, this is Department policy already in place and this again is an example of why I think, you know, not to just reiterate but I know it is important to do it in a timely way. 'That all employees shall have the right to work in an atmosphere free of discrimination based on race, religion, national origin, sex, sexual orientation, marital status, political beliefs or other non merit factors. And it is the intention of this Commission to enforce these laws, the General Orders, Special Orders or any other Criminal Laws or Penal Codes that would apply in these specific cases and that those found guilty of violating any order so described shall be brought up on charges and be prosecuted to the fullest extent of the law if it is a criminal law or to the fullest extent of the Department's Rules and Regulations.' Any amendments, comments?"

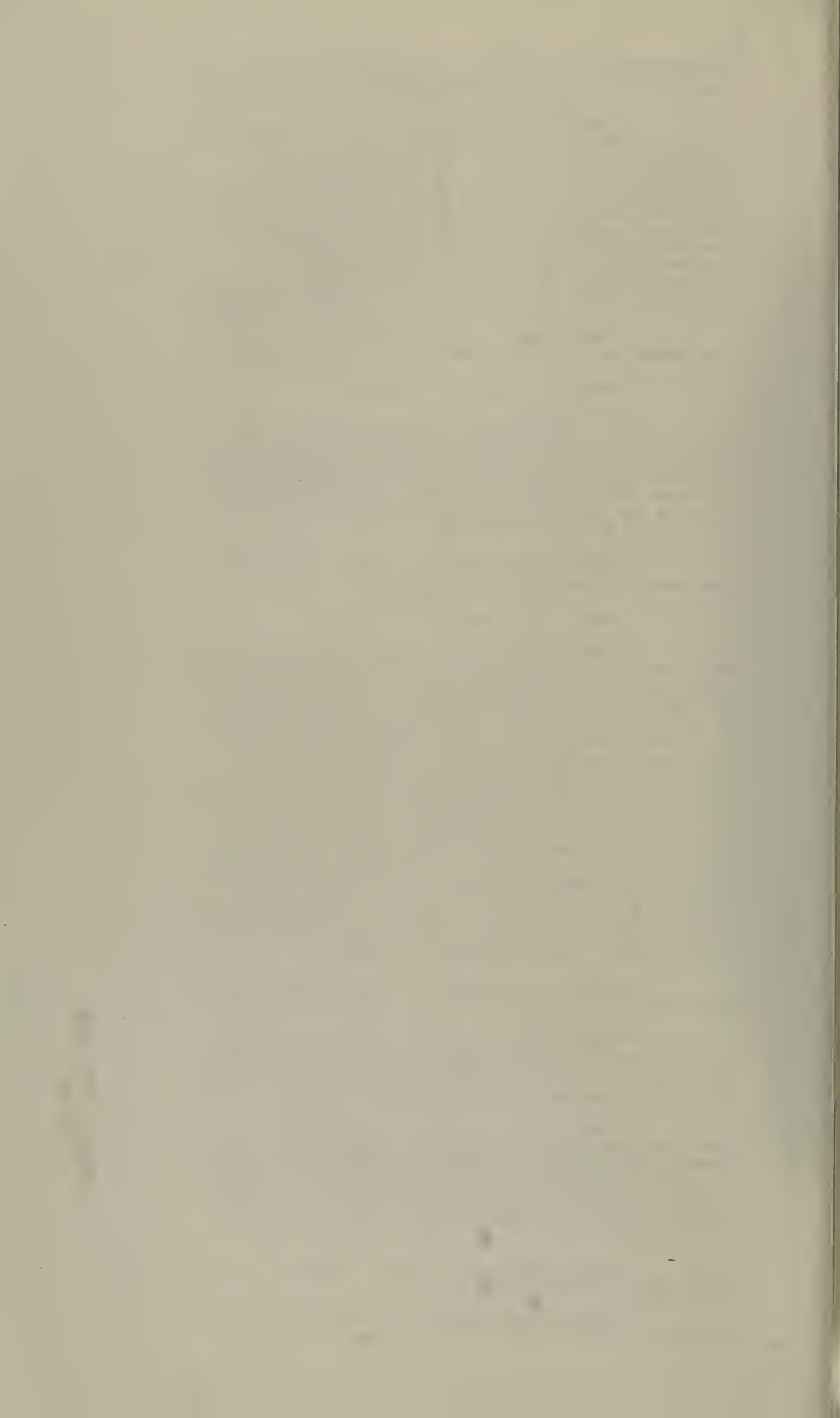
Commissioner Nelder: "Do you want to add that on or do you want to replace that with mine?"

Commissioner Orr: "The first one should probably be the lead paragraph. All employees have the right to work in an atmosphere free of discrimination and then the specifics as you stated."

Commissioner Giraudo: "I disagree. I don't dislike your language but I think what I heard Commissioner Nelder say speaks to the very specific incident and the outrage that is existent and then yes all employees have the right, etcetera, I would prefer to go with Commissioner Nelder's language first."

Commissioner Orr: "Okay. Structurally, I think that is much better."

Commissioner Nelder: "It's very much on point."



Commissioner Giraudo: "Then go to the amendment that was added by Commissioner Medina and the amendment that you proposed."

Commissioner Orr: "Joe, John, how does that sound to you?"

Sergeant Joe Williams: "I think that Commissioner Nelder's suggestion, speaking to the Information Bulletin first and foremost is most important I think."

Commissioner Orr: "Okay, alright."

Commissioner Giraudo: "Next week I guess we can receive a generic, again, update as to where the investigation is and how close we are getting or not getting and where it is going. Alright we have a motion and a second all those in favor?"

UNANIMOUS AYES.

Commissioner Giraudo: "Alright so the resolution will be sent out to all of the stations to be read."

Commissioner Orr: "I suppose it will be read at roll call?"

Deputy Chief Casey: "It will not only go to the stations, it will go to the entire Department."

Commissioner Giraudo: "And can we ask that it be read?"

Deputy Chief Casey: "At the lineup, yes."

RESOLUTION NO. 1870-88

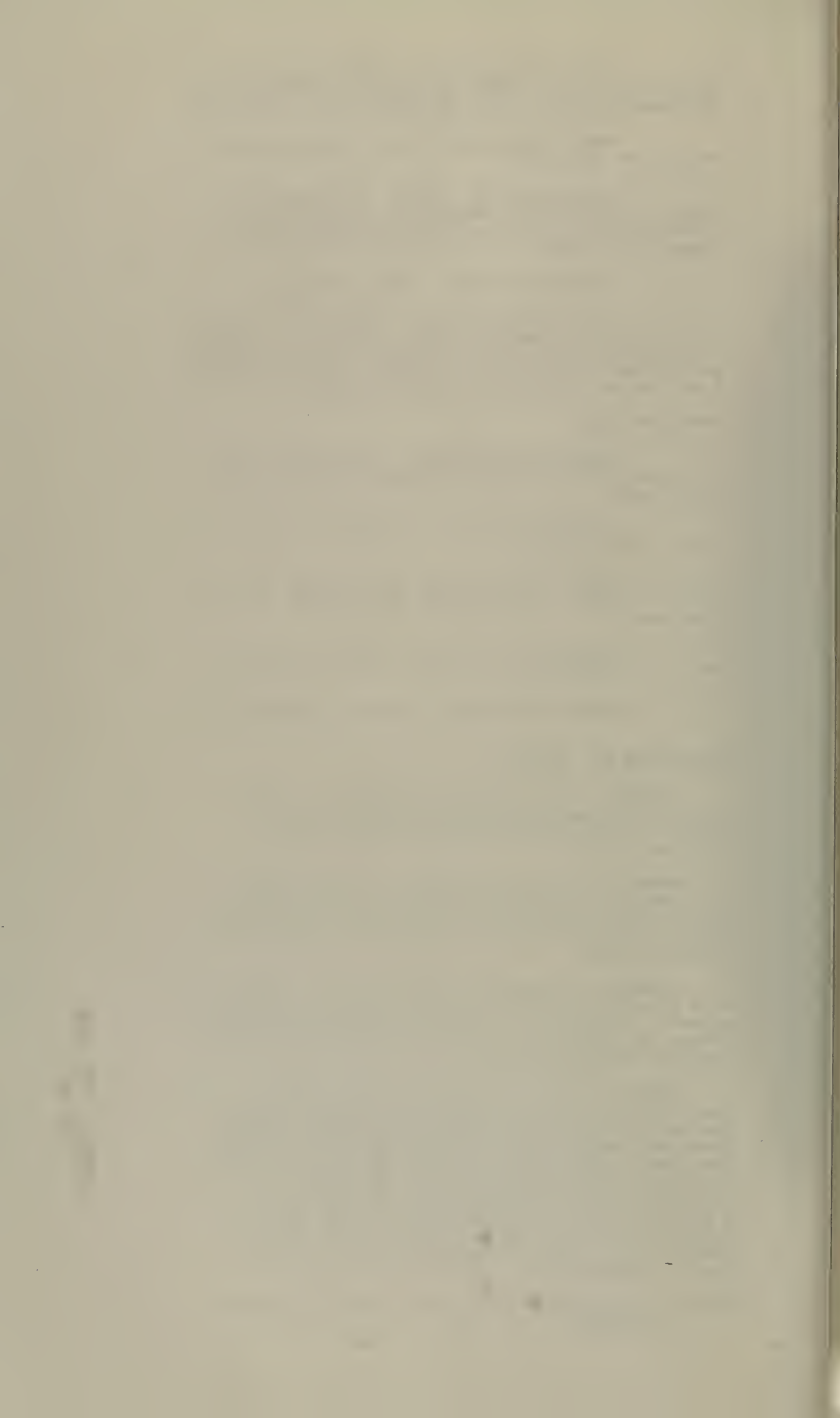
WHEREAS, last week an inflammatory, racist, sexist, and bogus Information Bulletin was circulated throughout the San Francisco Police Department, and

WHEREAS, the Police Commission has ordered a full and complete investigation to identify the perpetrators of this act to ultimately bring those who are responsible up on charges before the Police Commission and

WHEREAS, all employees shall have the right to work in an atmosphere free of discrimination based on race, religion, sex, sexual orientation, marital status, political beliefs, or other non-merit factors; therefore be it

RESOLVED, that it is the intention of this Commission to enforce these laws, General Orders, Special Orders or any other criminal laws or Penal Codes that would apply in these specific cases and that those found guilty of violating any order so described shall be appropriately charged and prosecuted to the fullest extent of the law if it is a criminal law, or to the fullest extent of the Department's Rules and Regulations, General Orders, Special Orders and all applicable San Francisco Charter provisions.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith



(a) PUBLIC COMMENTS

Mr. Bill Paul, President of the Stonewall Democratic Club said he was here tonight to request on behalf of his organization that the Commission re-schedule its action on this Administrative trial of the George Smoot Investigation. He said it has been scheduled for March 15th, 1989 and he would like to respectfully convey to the Commission their dissatisfaction with it. He said many people in their community believe it is an obstruction of justice as it involves some very grave violations of Civil Rights and they feel that a six-month delay is really excessive and they would really appreciate the Commission's reconsideration for re-scheduling. Other speakers on the issue pleading for the same reconsideration were Mr. Hank Wilson, owner of the Ambassador Hotel and Mr. John Wahl, who said he was here to join with Mr. Bill Paul and Mr. Hank Wilson and to also request the Commission reconsider the calendaring of this Hearing. He said he was here when the Commission set the date in March primarily because of the defense attorneys calendars. He said he himself was a defense attorney and that is part of what is done in courts and that is to obtain delays. He said even in criminal trials a six-month delay is unheard of. He said the Commission as for its' calendar is concerned, to clean up its back log, must meet more often. He said there is no reason that the Commission can only have so many hearings. He said morale and general management of the Department will only increase when all of this back log is completed. He said the Commission can complete it by setting more dates for Hearings. He said he knows that is a sacrifice but he also knows that the Commissioners would not be sitting in those five (5) seats unless they had agreed to sacrifice their time and energy to do this public service job. He said, so, he would respectfully request that the Commission re-calendar for setting of a new date in the disciplinary hearings for Inspectors McCoy, Dean, Casillas and Kidd who are defendants in the accusations coming out of the Smoot case for a lot sooner than March 15, 1989.

Commissioner Giraudo said that the Commission did revisit the issue of re-scheduling this particular matter and had four attorneys here representing the four police officers that are the subject of the specifications and allegations that came forth from the sustained complaint of the OCC and then forwarded to the Commission by the Chief of Police. He said any number of dates were discussed at that time all of which they were unable to agree upon. He said it was the hope that evening that it would be re-set and the Commission was unable to do so. He said the attorneys spoke of the difficulty it was going to be for them to prepare for this particular case and they ended up again with the date of March 15, 1989. He said he did not know what the sentiment of the Commission would be as he was most anxious to advance it at the last meeting.

Commissioner Orr said the last time the Commission heard it she put forth a motion for the case to be heard on January 4, 1989. She said she felt that at that time the case needed to be expedited in a timely manner for both the benefit of the community as well as the Department. She said she was not afraid to have them back again and put her chin out again with another motion to expedite this because she said she still felt just as fervently that justice for the community overall is not being served with this untimely delay.

Commissioner Lee said he would second the motion. The motion was unanimously approved and Commissioner Giraudo said the Commission would make an attempt next week to see if the Commission could arrive at a better date for re-scheduling this Hearing.

CHIEF'S REPORT TO THE POLICE COMMISSION

No Chief's report tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

No report tonight.

REQUEST OF THE DIRECTOR, OFFICE OF CITIZEN COMPLAINTS, FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$62,477 FOR OVERTIME EXPENDITURES FOR OCC

Mr. Michael Langer advised the Commissioners that they had before them the request for a Supplemental Appropriation in the amount of \$62,477 to fund the OCC overtime account. He said they respectfully request that this be approved with the proviso that it be used in general for resolving their backlog in demonstrations and the OCC will, as previously agreed, report on a quarterly basis expenditures which will be included in the quarterly report.

Commissioner Nelder asked if the stated amount is what Mr. Langer projected as his estimate of what will be used in that period of time and not exceed those limits? And when Mr. Langer answered affirmatively, Commissioner Nelder asked how Mr. Langer had come to that conclusion?

Mr. Langer said what they had done was to base their needs on the salaries of the individuals based on OCC's case load and came up with a formula projecting approximately four (4) hours per week per individual.

Commissioner Nelder then said he would make a motion for approval. Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 1871-88

REQUEST OF THE DIRECTOR, OFFICE OF CITIZEN COMPLAINTS, FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$62,477 FOR OVERTIME EXPENDITURES FOR OCC

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$62,477 for overtime expenditures for personnel of the Office of Citizen Complaints.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1872-88

REVISION OF DEPARTMENT GENERAL ORDER D-14, "ISSUANCE OF CRIME TELETYPES"

RESOLVED, that the Police Commission hereby approves revised Department General Order D-14, "Issuance of Crime Teletypes".

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

PUBLIC HEARING ON REVISION OF DEPARTMENT GENERAL ORDER R-6 "MANDATORY BLOOD TESTS FOR DRIVERS UNDER THE INFLUENCE"

Lieutenant Ed Pecinovsky of the Legal Office said that this is a General Order that the Department is requesting to be withdrawn at this time. He said there are some additional changes that are needed to be made. He said the Department would send it back for re-consideration when those changes are made. Commissioner Nelder said he would make a motion to withdraw this item. Commissioner Orr seconded and it was unanimously approved.

RESOLUTION NO. 1873-88

REVISION OF DEPARTMENT GENERAL ORDER R-6, "MANDATORY BLOOD TESTS FOR DRIVERS UNDER THE INFLUENCE" (WITHDRAWN)

RESOLVED, that revised Department General Order R-6, "Mandatory Blood Tests for Drivers Under the Influence" is hereby withdrawn at the request of the Chief of Police.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1874-88

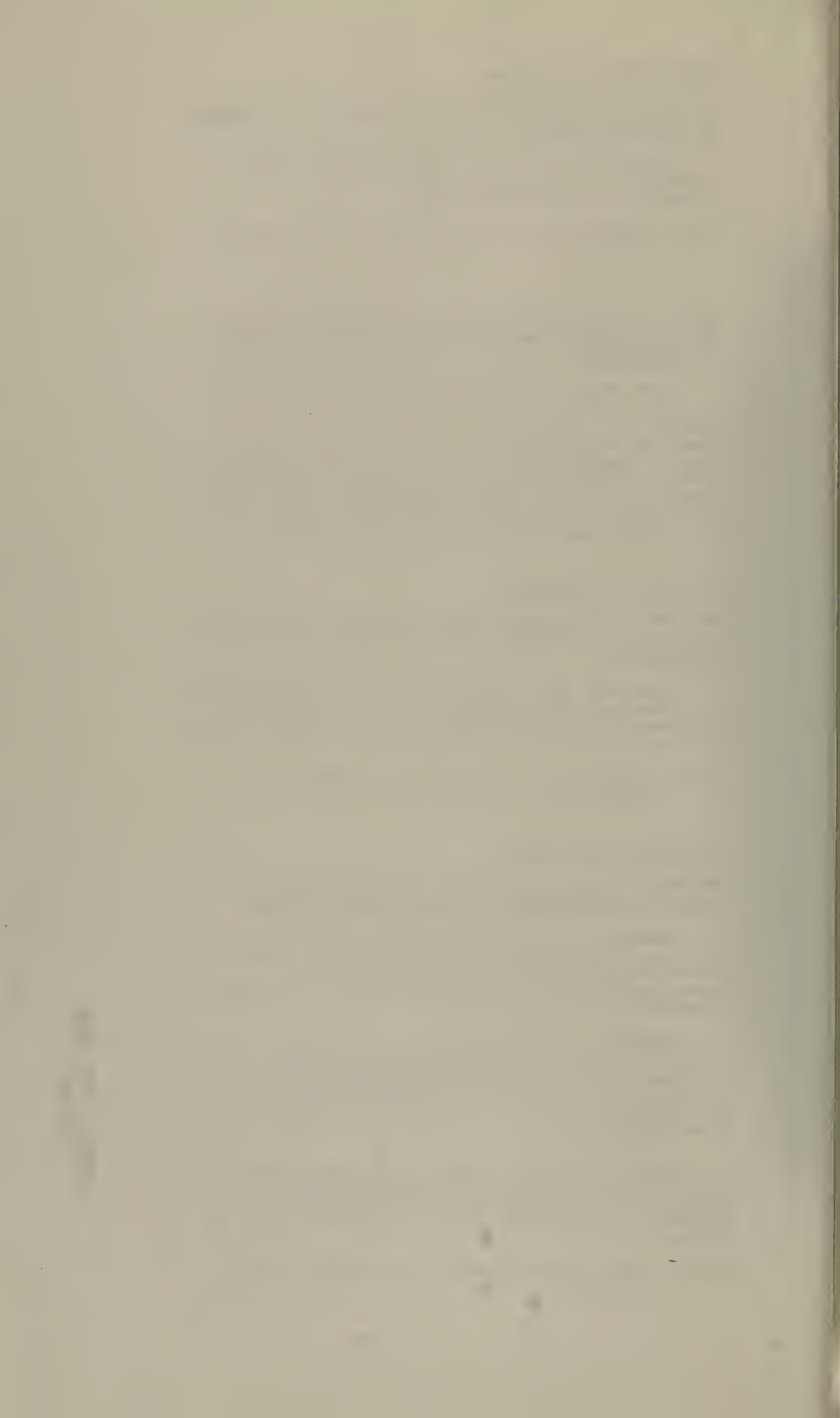
SETTING OF DATE FOR HEARING OF POLICE OFFICER PATRICK H. MIYAGISHIMA, COMMUNICATIONS DIVISION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Patrick H. Miyagishima, Communications Division, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Patrick H. Miyagishima be set for December 21, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Patrick H. Miyagishima is set for Wednesday, December 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith



REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$8,964 TO
PROVIDE FOR CONTINUED FUNDING OF TWO PARKING LOTS IN
THE AREA OF THE HALL OF JUSTICE

Lieutenant John Robinson of Fiscal addressed this item advising the Commission that this supplemental was necessary because of an increase of rent for the parking lots in and around the Hall of Justice. He said the increase in the rents went from 51,912 to 60,876. He said the Department leases the one lot on Ahern from the State and it has a license to occupy the other parking facility under the freeway from the Federal Government. He said the Department has managed to lease the lots to get through nine (9) months of this current year but to get to the end of this year, this additional amount is needed.

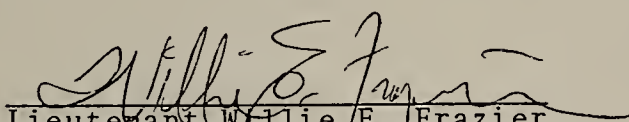
Commissioner Giraudo said he was suprised that they would allow other people to obtain such space cheaper and hit the SFPD with an increase close to 20%. The Commission said it is not a bid property and the Lieutenant should go back to the State and find out why it went up that amount.

Commissioner Nelder said he would make a motion to continue this for one week, Commissioner Lee seconded and it was unanimously approved.

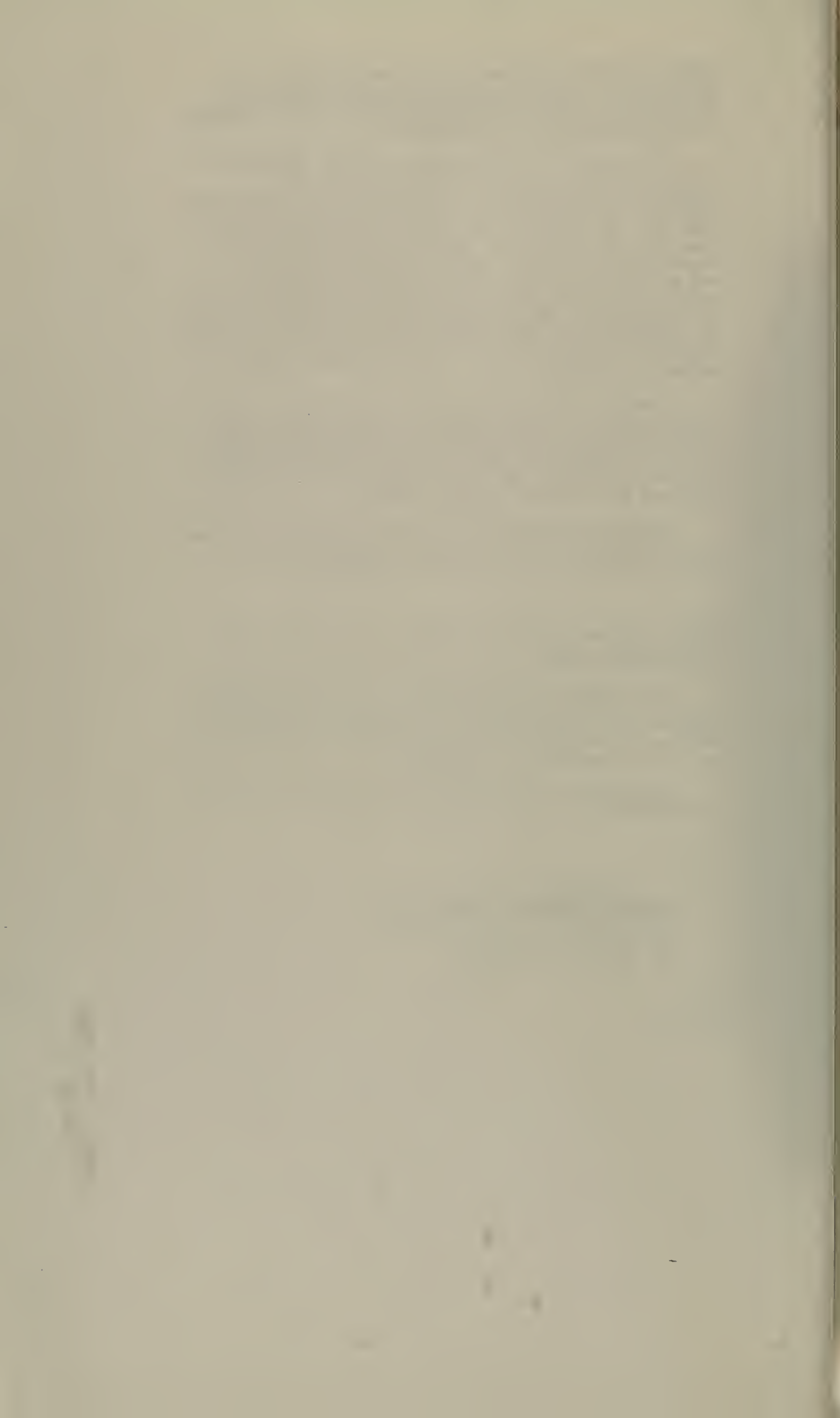
CHIEF'S REPORT ON SENIOR ESCORT'S REPONSE TO THE
CONTROLLER'S AUDIT

Commissioner Giraudo said the Chief expressed a desire to be here when this came up for discussion. Commissioner Nelder said he would make a motion to continue it for one week. Commissioner Lee seconded and it was unanimously approved.

Thereafter, the meeting was adjourned on motion by Commissioner Nelder at 6:55 p.m..


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4570M



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Minutes
OCTOBER 26, 1988

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, October 26, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

FEB 9 1989

2. Personnel Matter

SAN FRANCISCO
PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

OCTOBER 26, 1988

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 26, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

APPROVAL OF MINUTES OF MEETING OF AUGUST 3, 1988

Approval of Minutes of Meeting of August 3, 1988, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1949-88

LAWRENCE MUSE vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence Muse in the sum of \$1,200.00 entitled "Lawrence Muse vs. City and County of San Francisco, et al" in Superior Court No. 810-187 as a result of personal injury, be, and the same is hereby approved.

Date of Incident: July 3, 1982

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1950-88

MICHAEL YOUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Young in the sum of \$1,087.55 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1951-88

VINCENT A. CATANZARO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vincent A. Catanzaro in the sum of \$563.87 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1952-88

KEO THAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Keo Thai in the sum of \$320.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1953-88

MICHELLE L. MOLINA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michelle L. Molina in the sum of \$222.23 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1954-88

JOHN R. CHOY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John R. Choy in the sum of \$215.00 as a result of a faulty tow, be, and the same is hereby approved.

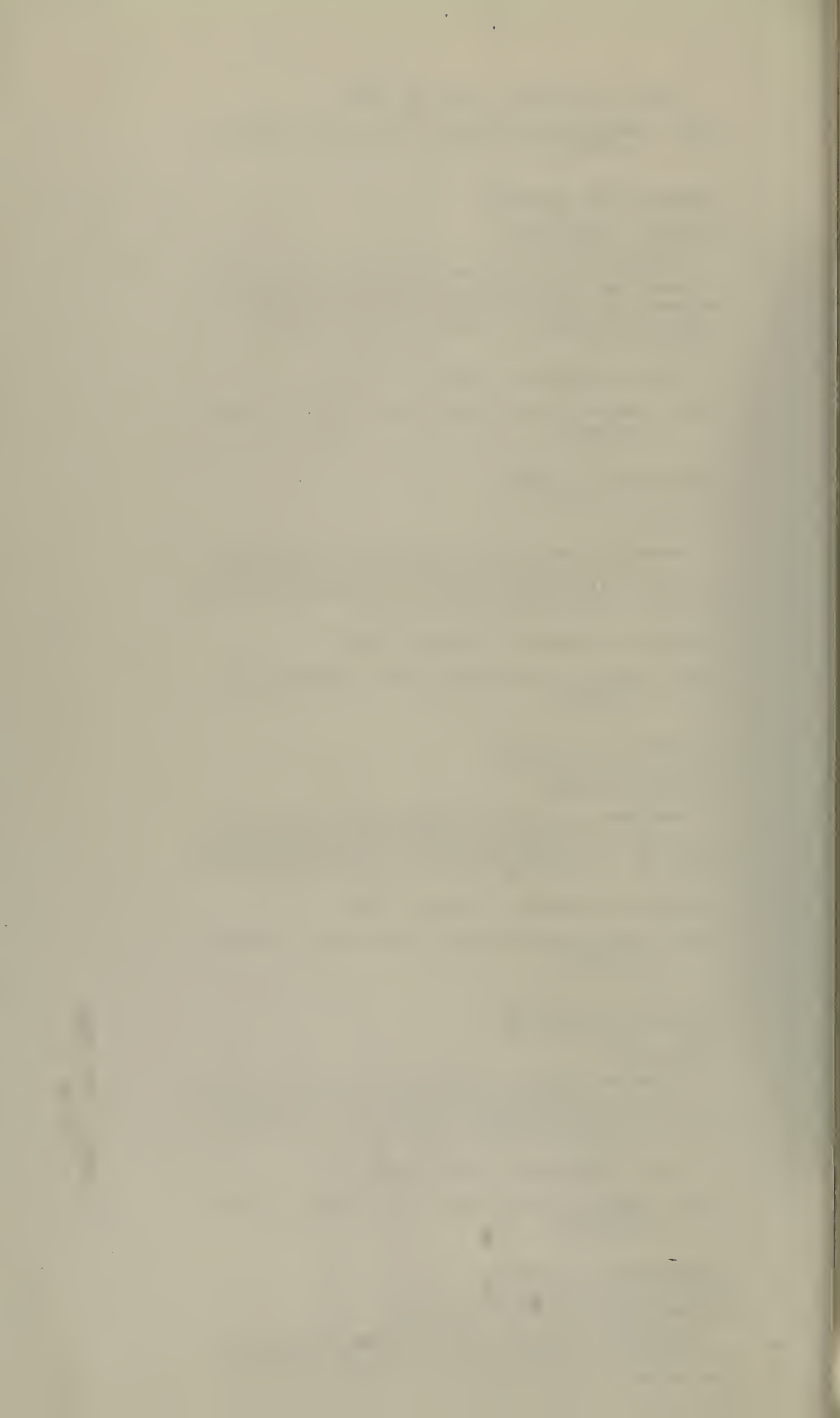
Date of Incident: February 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1955-88

MOHAMAD BAZARGANI vs. CCSF, et al

RESOLVED, that the judgment made by the City Attorney for the litigation of Mohamad Bazargani in the amount of \$210.54 entitled "Mohamad Bazargani



vs. City and County of San Francisco, et al" in Municipal Court No. 908-690 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 5, 1985

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1956-88

JEFFREY F. RAYPORT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey F. Rayport in the sum of \$150.35 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1957-88

JANELLE PAINTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janelle Painter in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1958-88

CHRISTINE MURNANE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Murnane in the sum of \$26.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

POLICE COMMISSION REPORT

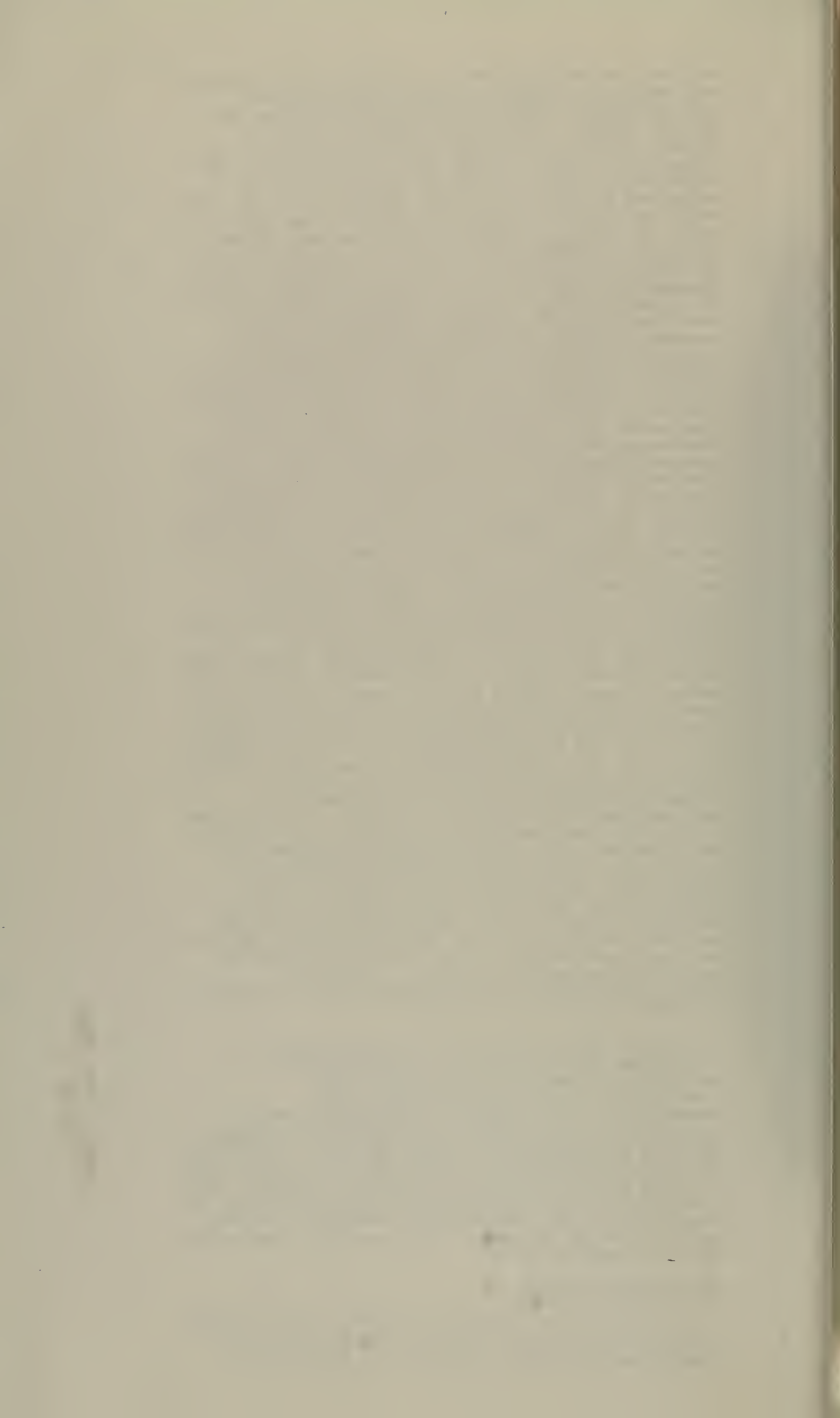
Commissioner Giraudo said the Police Commission met this evening in Executive Session on Personnel Matters and no vote was taken. He said there are a couple of announcements that he will make and some inquiries. He said with respect to the Hearings on Crowd Control, the first hearing will be next Wednesday night. He said at this time the Commission will ask the Department to come forward with a presentation that speaks to the present or the state of the art as it exists in San Francisco today. He said a report with respect to the information as it was gathered from other police departments and other agencies throughout the United States and the Chief of Police's recent visit to Oregon and the Chiefs of Police Association meeting

and what he observed there. He said they would also ask that the Department at that time make any recommendations about procedures and policies that may be needed. He said the Commission will be looking at the entire scope of Crowd Control from the planning stage through after action report and critique. He said everything from Community Relations to actual on street crowd control and they would ask that the Department present that next week. He said the following week, he would hope, on November 9, 1988, that in fact they would like to set that this evening if they can. He said then on November 9, 1988, that the Commission then hear from the general public and those advocacy groups that have come together, that he understands, with a proposal to make to the Police Commission with respect to Policy and Procedure and the general scope of Crowd Control. He said the Commission will hear that evening and at that point they will decide when they will have yet another hearing where the Commission can interface with the public and the Department in general discussion about the various recommendations that have been made and then for the Commission itself to have discussions and then at some point select yet another date for a decision to be made by the Commission in terms of the procedures that we will be following what changes, if any, will be made. He said the Commission feels that, that is an orderly fashion in which to conduct these Hearings and they believe it will be the most fruitful and give this Commission an opportunity to become pro-active rather than reactive to any given situation. He said the Commission will be discussing Crowd Control from planning through after action report so that the Commission cannot only be educated toward making policy changes but that the general public can be as well. He said that is the procedure that the Commission would like to follow. He said he did believe though that he would need a motion now from the Commission so that Public Notice is given that the Commission will be meeting in this regard on November 2, and also on November 9. Commissioner Medina made the motion for the meetings to include those Hearings as outlined, Commissioner Lee seconded and it was unanimously approved. He said the next item is that he would like to ask Deputy Chief Casey if he could report to the Commission on one, on the progress that is being made with respect to the investigation and to the memo that was sent out, or the illegal memo that was sent out with respect to the Officers for Justice and also a report as to whether or not the Commission's Resolution was disseminated as ordered and asked for by the Commission.

Deputy Chief Casey said the investigation is continuing. He said Police Inspector Kelly Waterfield is assigned full time to this investigation and is working with other investigators both inside and outside of the Department. He continued by saying that evidence has been gathered and is being examined. He said as far as the Commission's Resolution, it has been sent to every unit in the Police Department together with a written order from the Chief of Police to read the Resolution to each watch and to respond in writing to the Chief by the end of this week that this order has been complied with.

(a) PUBLIC COMMENTS

A Mrs. Patricia McCullom residing at 579 Miramar Avenue, said she was present to request that the Commission have Police Code Section 2901.11 and



Penal Code 415.2 enforced. She said these Statutes have to do with the Noise Ordinances and Disturbing of the Peace. She said in her particular situation, for four (4) years now, she has been contacting the Police Department and trying to obtain enforcement of these ordinances and have received no cooperation whatsoever. She said in desperation she hired her own Acoustical Engineer and found that there was an extreme, not just a prima facie violation of these ordinances, but substantial and health threatening violations. She said the problem is that her neighbor has converted his backyard to a public playground and basketball court which is six (6) feet from her bedroom windows and near her kitchen windows. Commissioner Giraudo advised Mrs. McCullom that the Commission would make sure that someone will respond to her residence to check out and investigate the problem there. He said there will be a report back to the Police Commission next week to assure the Commission that she has had the courtesy of a visit from the Noise Abatement Division and there report to the Commission will be as to whether in fact this is something they can or cannot do something about. Mrs. McCullom thanked the Commission and said she would return next week also.

Mrs. William Murphy, Attorney in the Case of Police Officer Patrick Miyagishima appeared and said he would like the Commission to consider resetting the date for the hearing of this case. He said the Officer was on the Commission Agenda last Wednesday and given a date for hearing in December. He said he had spoken to the Officer in Charge in Management Control and was advised to come tonight to see if the Commission, although not able to take official action tonight, would consider it on next week's agenda and move it up on the Commission Calendar of Disciplinary Hearings.

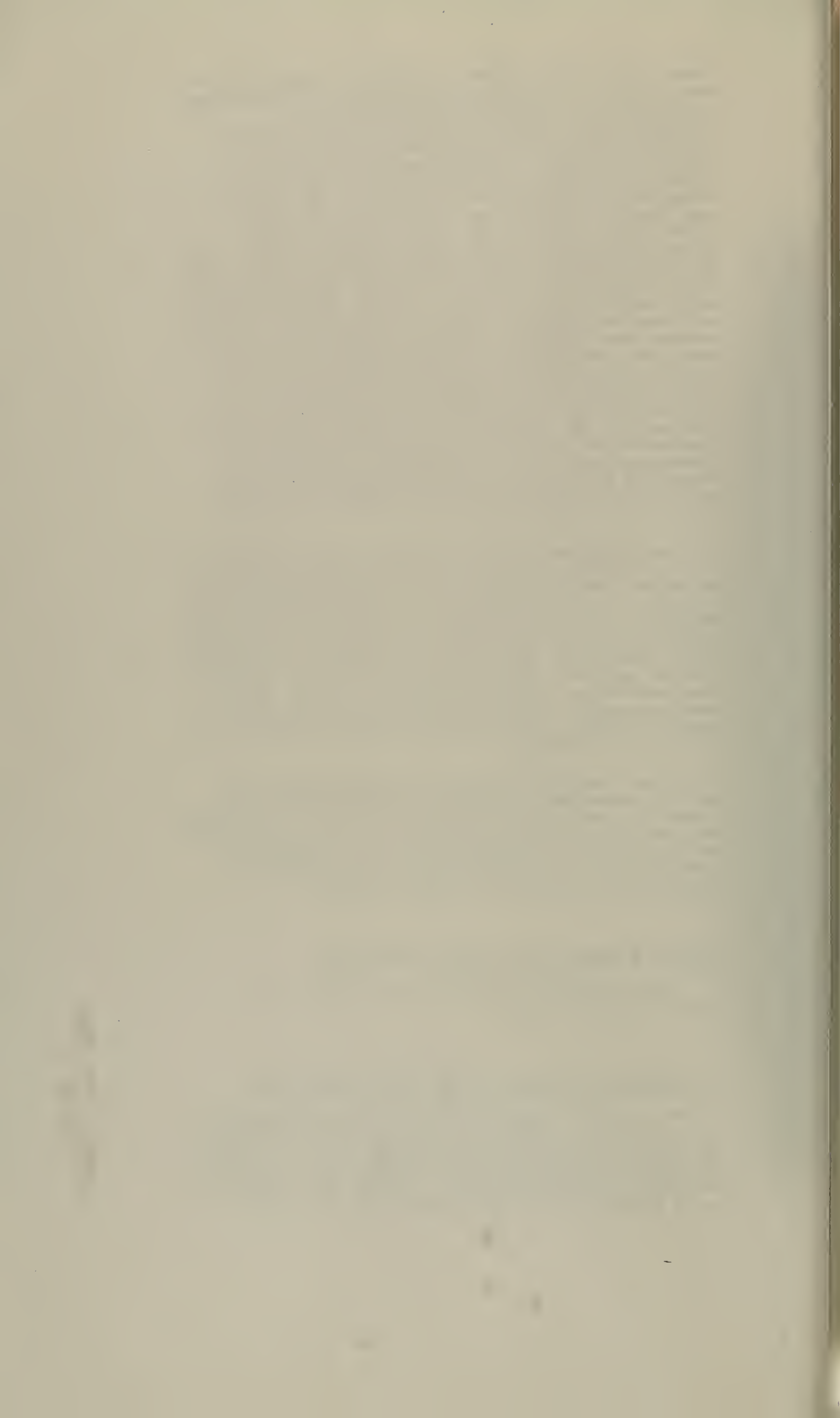
After further discussion Commissioner Nelder said he would make a motion that this matter be placed on next week's agenda to allow the Commission to take official action in setting a date agreeable to all parties of November 30, 1988 at 4:00 PM. Commissioner Orr seconded and it was unanimously approved to place on next week's agenda.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Willis Casey said there is no Chief's Report tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC said he had one item to report to the Commission tonight. He said the OCC had an opportunity on October 24th to interview Dolores Huerta and they are proceeding with the OCC investigation. He said he expected it to be completed in approximately two (2) weeks.



REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$8,964
TO PROVIDE FOR CONTINUED FUNDING OF TWO PARKING LOTS
IN THE AREA OF THE HALL OF JUSTICE

Lieutenant John Robinson appeared on this item and said the Commission advised him after appearing on this item last week to report back in regards to the investigation as to why the increase of these fees. He said what he found was that the lot that the Department subleases from the Federal Services Administration indeed was raised 37%. He said in looking into the reason for that increase they found that because it is an annually renegotiated license instead of a lease, the Federal Government re-assesses Real Estate Values at that time. He said what they did was find that Real Estate Values in the area of the Hall of Justice had increased dramatically over the last couple of years and therefore this fee reflects this increase. He said in speaking with the GSA Real Estate people, they advised that the only negotiations that the Department could undertake would be to attack the appraisal document that their appraisal department prepared for this property. He said if the Department did that it would have to ultimately go to the GSA Regional Administrator to have that appraisal overturned. He continued by saying that however based on other figures in the area it is still a good price for the SFPD.

Commissioner Nelder said he would move approval of this item. Commissioner Medina said he would second the motion and it was thereafter unanimously approved.

RESOLUTION NO. 1936-88

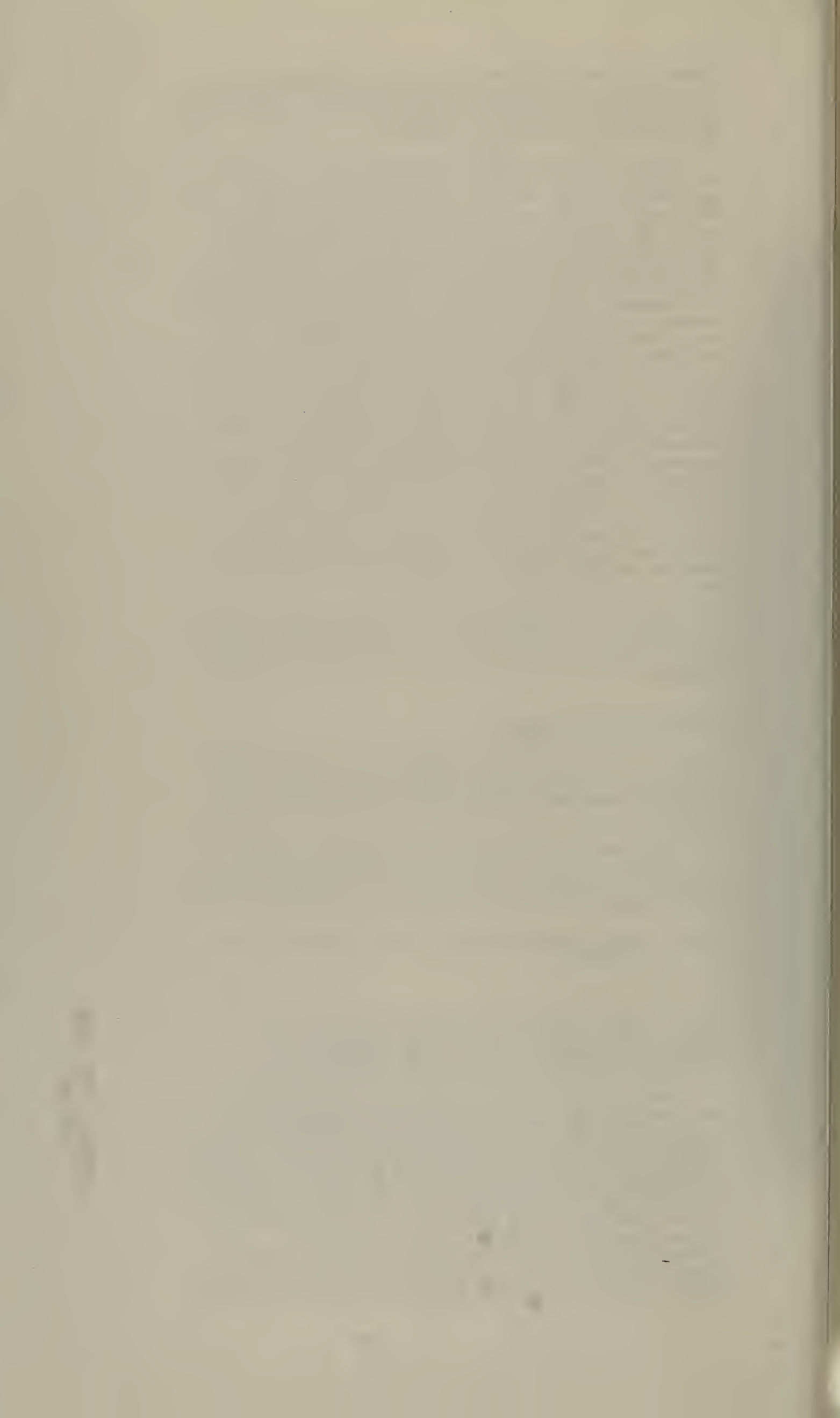
REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL
APPROPRIATION AMOUNTING TO \$8,964 TO PROVIDE FOR
CONTINUED FUNDING OF TWO PARKING LOTS NEAR HALL OF
JUSTICE

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$8,964 to provide for continued funding for two parking lots near the Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

STATUS REPORT REGARDING PROPOSED POLICY OF THE
POLICE COMMISSION OF THE SAN FRANCISCO POLICE
DEPARTMENT ON THE RIGHTS OF THE HOMELESS

Commissioner Giraudo said that the Commission has been informed that it will be receiving an opinion from the City Attorney with respect to the suggested language that was submitted to the Police Commission for this statement of Policy. He said he would hope the Commission will receive that in short order so that they will be able to take action one way or the other with respect to the recommendation or the request. He said, however, the City Attorney's Office has expressed, at least verbally, some concerns about the language, as well as the Chief of Police's letter that he wrote to the Police



Commission, about the same language. Commissioner Giraudo said therefore before the Commission acts it will have to see the City Attorney's opinion in order to respond to the request. He said the Commission expected to hear from the City Attorney prior to the November 2, 1988 meeting.

RESOLUTION NO. 1937-88

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB
PERMIT T-0418 HELD BY WILLIAM LAMB

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #T-0418 issued to William Lamb was called, it having been set for this date; and

WHEREAS, the death of Mr. William C. Lamb has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0418 issued to William Lamb.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1938-88

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A
TAXICAB MEDALLION PERMIT TO DUNCAN F. DONG

WHEREAS, Duncan F. Dong appeared at a Public Convenience and Necessity hearing held on Wednesday, October 26, 1988; and

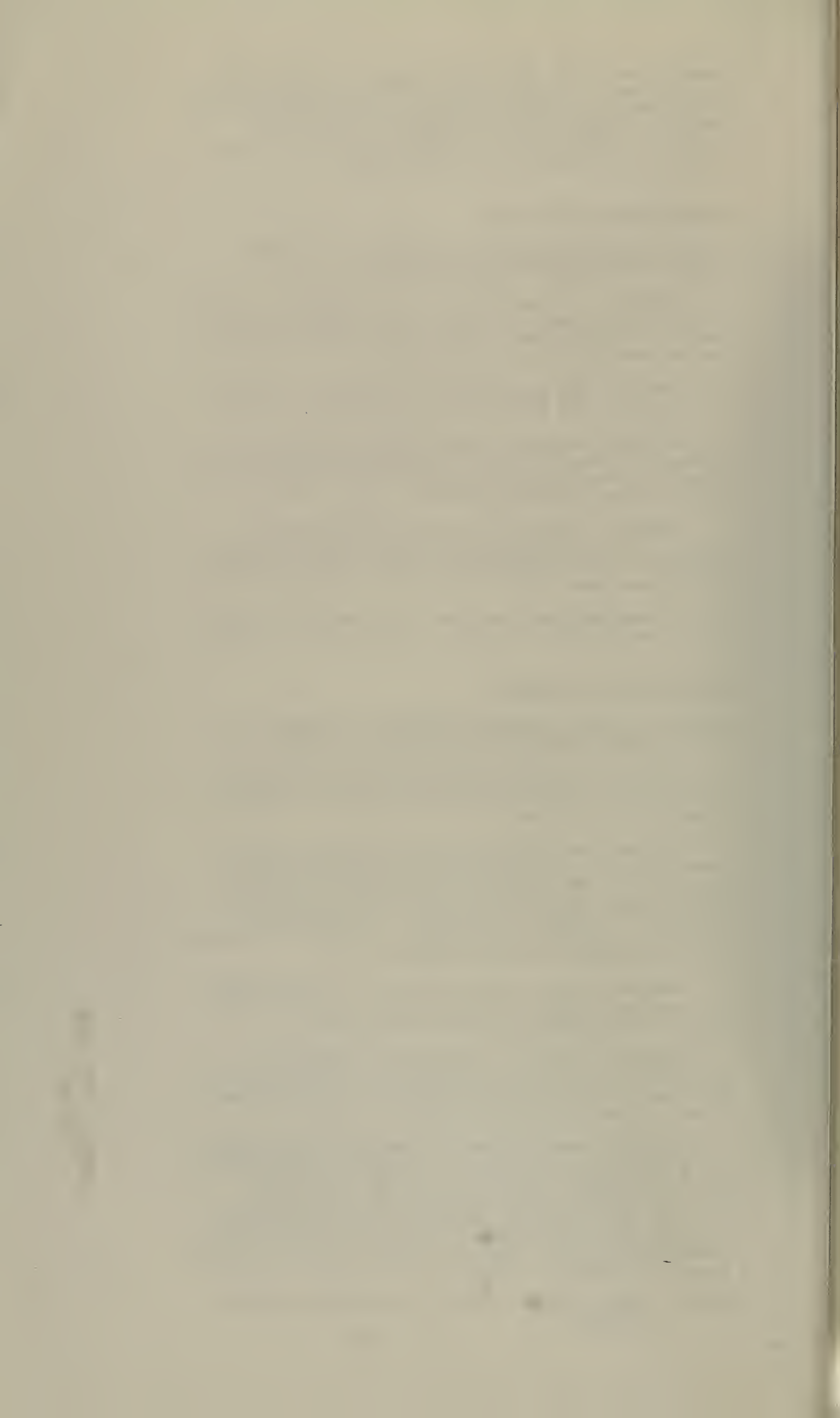
WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, October 26, 1988, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84 dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Duncan F. Dong appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Duncan F. Dong.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



RESOLUTION NO. 1939-88

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A
TAXICAB MEDALLION PERMIT TO JAMES C. LARSON

WHEREAS, James C. Larson appeared at a Public Convenience and Necessity hearing held on Wednesday, October 26, 1988; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, October 26, 1988, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84 dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that James C. Larson appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to James C. Larson.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 1940-88

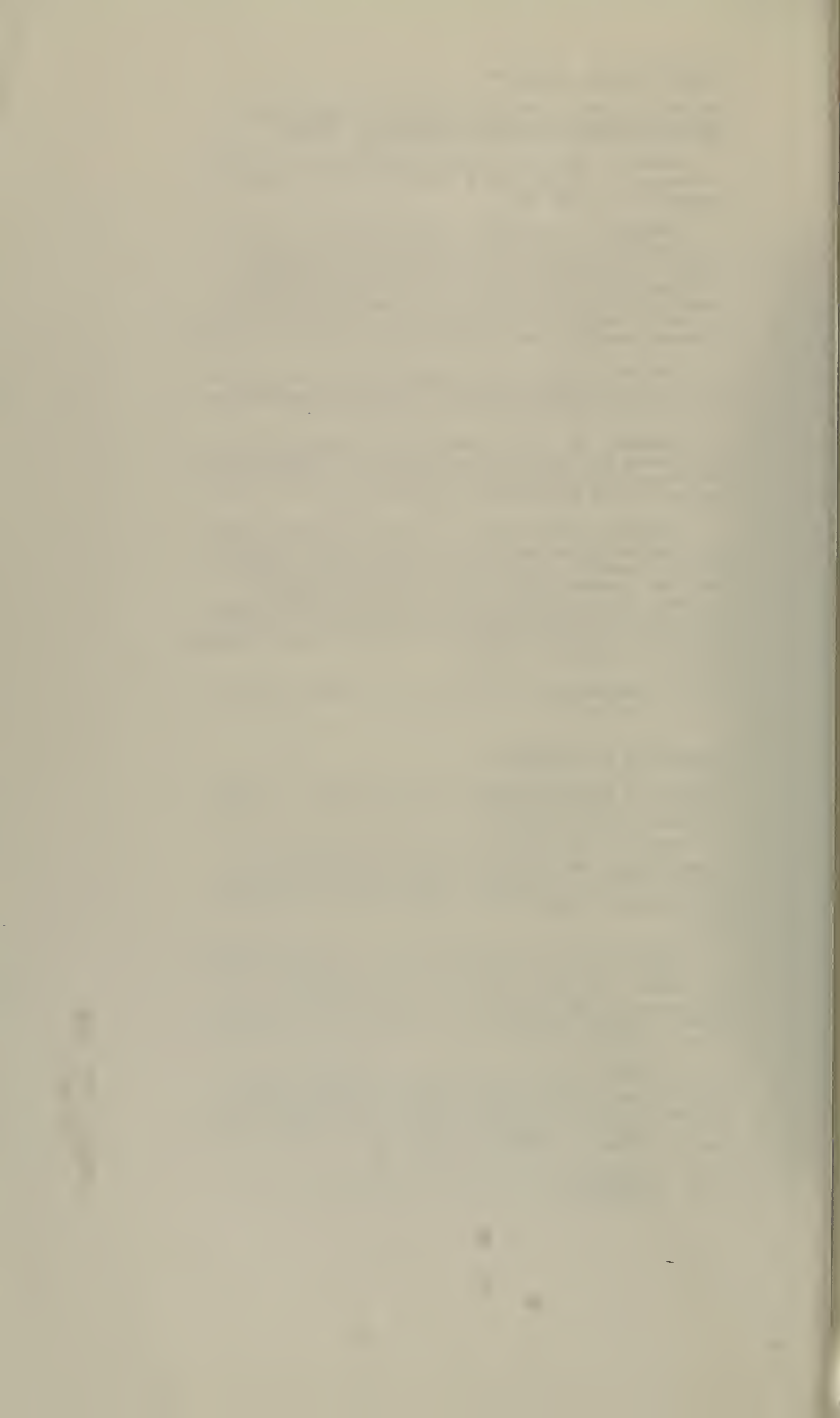
HEARING OF PATROL SPECIAL OFFICER ALBERT L. ROBLES,
CENTRAL POLICE DISTRICT

WHEREAS, the date for the hearing of the disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. John Prentice, Attorney at Law, representing Patrol Special Albert L. Robles, that the date for the hearing of disciplinary charges filed against Patrol Special Officer Albert L. Robles be continued to January 25, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, is continued to Wednesday, January 25, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



RESOLUTION NO. 1941-88

STATUS REPORT ON HEARING OF POLICE OFFICER JEAN J. POWERS, RICHMOND STATION

WHEREAS, the date for the status report on the hearing of Police Officer Jean J. Powers, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Clifton Jeffers, Attorney at Law, representing Officer Jean J. Powers, that the date for the status report on the disciplinary charges filed against Officer Jean J. Powers be continued to November 9, 1988; therefore be it

RESOLVED, that the date for the status report on the hearing of disciplinary charges filed against Police Officer Jean J. Powers be continued to Wednesday, November 9, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1948-88

HEARING OF POLICE OFFICER BETTY L. BROWN, CRIMINAL INFORMATION DIVISION - RECORD ROOM

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Betty L. Brown, Criminal Information Division - Record Room, was called it having been scheduled for this date; and

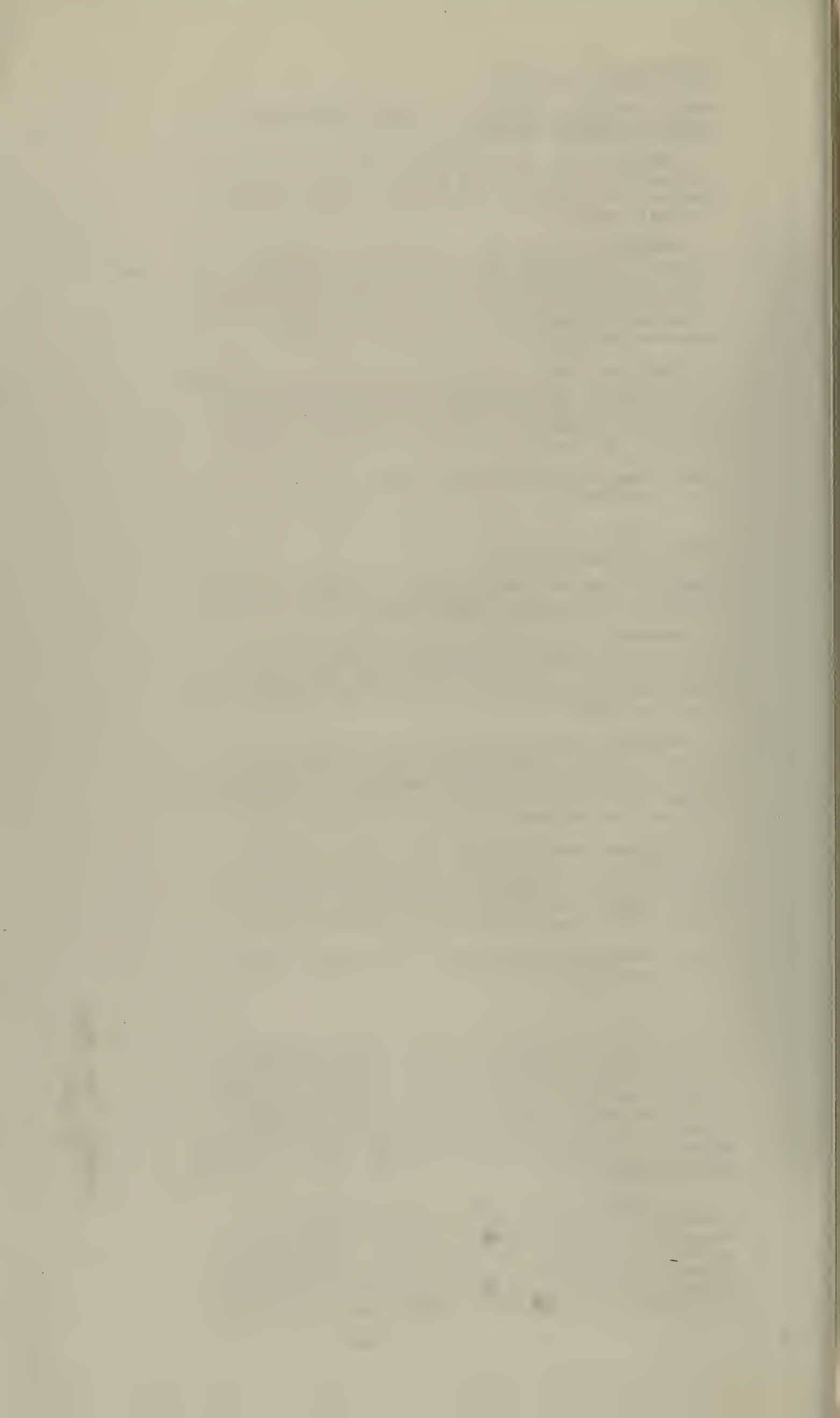
WHEREAS, it was requested by Mr. Hugh Levine, Attorney at Law, representing Officer Betty L. Brown, that the date for the hearing of disciplinary charges filed against Officer Betty L. Brown be continued to November 9, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Betty L. Brown, Criminal Information Division - Record Room, is continued to Wednesday, November 9, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

CONSIDERATION FOR RESETTING OF DATE FOR HEARINGS OF POLICE INSPECTOR FRANK C. MCCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION, POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION, POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION, POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

Mr. John Prentice, appeared on behalf of Inspectors Dean and Kidd, Ms. Carol Selliger, on behalf of Inspector Casillas and Mr. James Lasart, on behalf of Inspector Frank McCoy. Commissioner Giraudo said this is somewhat unusual in that the Commission is back again to talk about rescheduling this matter. He said the Commissioners have looked



at their calendars and now has Mr. Gash back who controls the Commission Calendars and the Commission is here to look at another date for the hearing of these Inspectors. He said again, for an earlier date, an earlier date than March 15, 1989. He said the Commission has consulted with the City Attorney and it is within the purview of the Commission to set the hearing date or the date the Commission deems most appropriate regardless of the difficulties or scheduling difficulties that have been spoken to before. He then spoke to Mr. Gash and said the Commission had entertained a motion before with respect to the month of January which was not adopted, and all of the Commissioners are available to hear this case in January. He then asked Mr. Gash if he has a problem with a date in January.

Mr. Michael Gash, Attorney for the Department said that the Department would be ready on whenever or whatever date the Commission chooses in January.

Ms. Selliger then addressed the Commission and said she was a little curious in that they were under the impression that they had a date certain at the first session that they had appeared at and then it was reaffirmed, at the second and so now they were a little curious as to why they are now brought back for yet a third time and she would like an explanation if that is possible.

Commissioner Giraudo said the explanation is, as he had stated it, it was his opinion and his colleagues that this was a case they wanted to advance before the date of March 15th, 1989. He said in a recent hearing a week ago, during a Police Commission meeting under the item of Public Comments, there were a number of people who arose and made comments with respect to the calendaring of this particular matter and there was a motion made and seconded and voted upon by the Commission to make another attempt to advance this matter. Ms. Selliger said then to that point she would like to enter into the record some authority. She said she could read it and/or she could also give the Commission some recent written authority to go along with that and request that the Commission might obtain an opinion from the City Attorney as to whether or not their clients Due Process Rights are being jeopardized. She said rather than take up a lot of time she would just simply give to the Commission's Secretary the case authority. She said essentially they have found that there is good authority that there is reversible error if the attorneys of the record are not given adequate time to prepare their cases.

Commissioner Giraudo said yes that is correct and that depends on what adequate time is and he did not recall in the last two and one half years that he has been a Police Commissioner that hearings have been scheduled six and seven months away. He said he did think that the Department has an interest in its disciplinary process being advanced, with all due respect to the Officer's Due Process Rights and the Officer's Bill of Rights, and he did not feel the Commission was in violation of that.

Mr. John Prentice then said that on behalf of his client, the item that is being handed to Lieutenant Frazier for the purview of the Commission, he would ask that it be marked and made a part of the record.

Ms. Selliger then said that she had one other item before the Commission continues and that is the Commission is talking about setting a time in January. She said as she indicated to the Commission the last time, they did have this slight problem of Inspector Casillas being on Military Leave at that time, and she would like to know if the Commission could at least make some accomodation around Inspector Casillas' scheduled leave time from January 13, to February 6, 1989.

After futher discussion Commissioner Orr made a motion that the matter be re-scheduled to January 18, 1989; Commissioner Lee seconded and it was unanimously approved to re-set the hearing of the four (4) Inspectors to January 18, 1989.

(The entire mattter was taken in shorthand form by CSR, Linda Pransky and is on file in the Office of the Police Commission.)

RESOLUTION NO. 1943-88

CONSIDERATION FOR RESETTING OF DATE FOR HEARING OF
POLICE INSPECTOR FRANK C. McCOY, INVESTIGATIONS
BUREAU - HOMICIDE SECTION

WHEREAS, the date for the consideration for resetting of the date for hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been scheduled for this date; and

WHEREAS, it was determined by the Police Commission that the date for the hearing of disciplinary charges filed against Inspector Frank C. McCoy be reset for January 18, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector Frank C. McCoy is reset for Wednesday, January 18, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

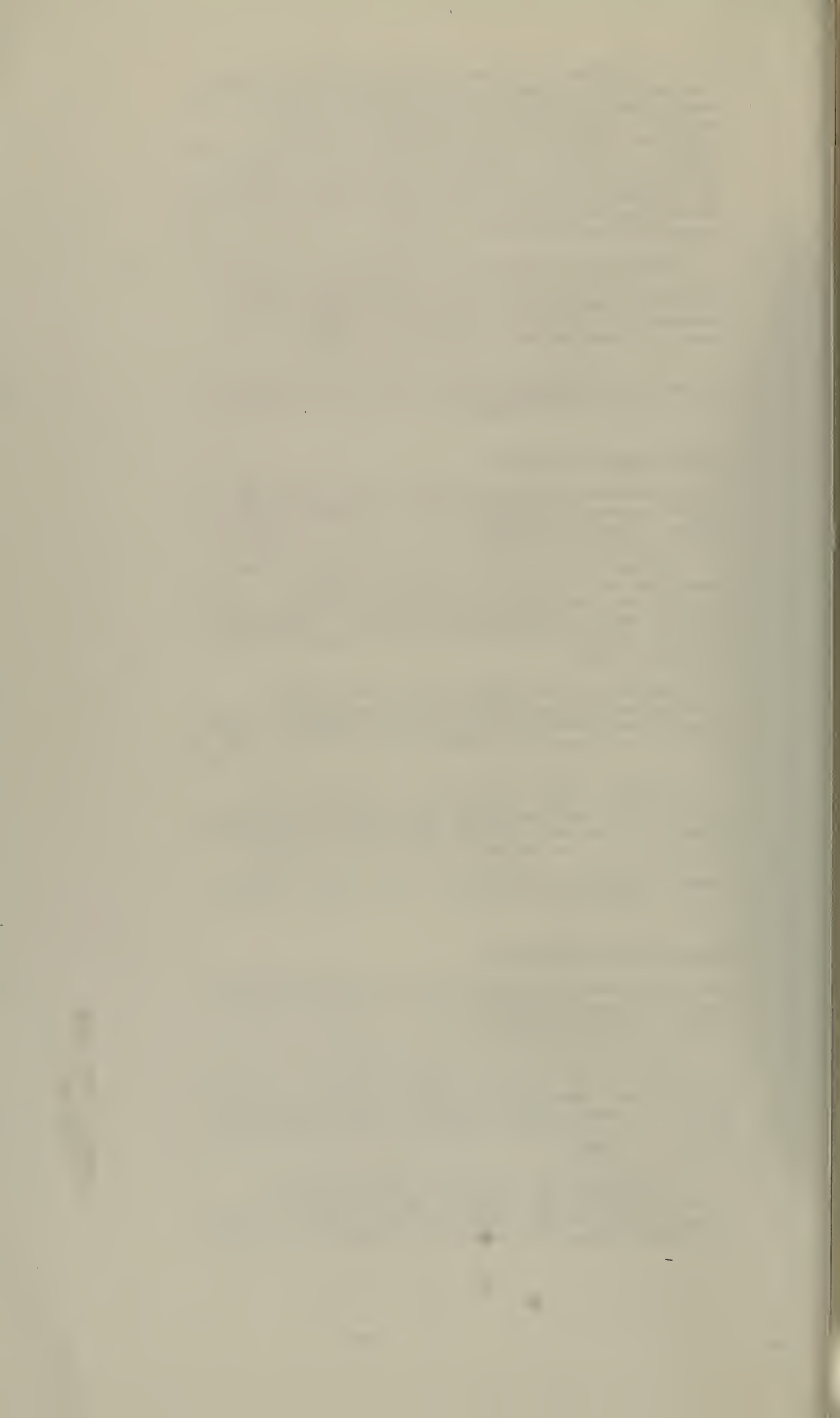
AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1944-88

CONSIDERATION FOR RESETTING OF DATE FOR HEARING OF
POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS
BUREAU - HOMICIDE SECTION

WHEREAS, the date for the consideration for resetting of the date for hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been scheduled for this date; and

WHEREAS, it was determined by the Police Commission that the date for the hearing of disciplinary charges filed against Inspector Marvin V. Dean be reset for January 18, 1989; therefore be it



RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector Marvin V. Dean is reset for Wednesday, January 18, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1945-88

CONSIDERATION FOR RESETTING OF DATE FOR HEARING OF
POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS
BUREAU - GENERAL WORK SECTION

WHEREAS, the date for the consideration for resetting of the date for hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been scheduled for this date; and

WHEREAS, it was determined by the Police Commission that the date for the hearing of disciplinary charges filed against Inspector William F. Kidd be reset for January 18, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector William F. Kidd is reset for Wednesday, January 18, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1946-88

CONSIDERATION FOR RESETTING OF DATE FOR HEARING OF
POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS
BUREAU - GENERAL WORK SECTION

WHEREAS, the date for the consideration for resetting of the date for hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been scheduled for this date; and

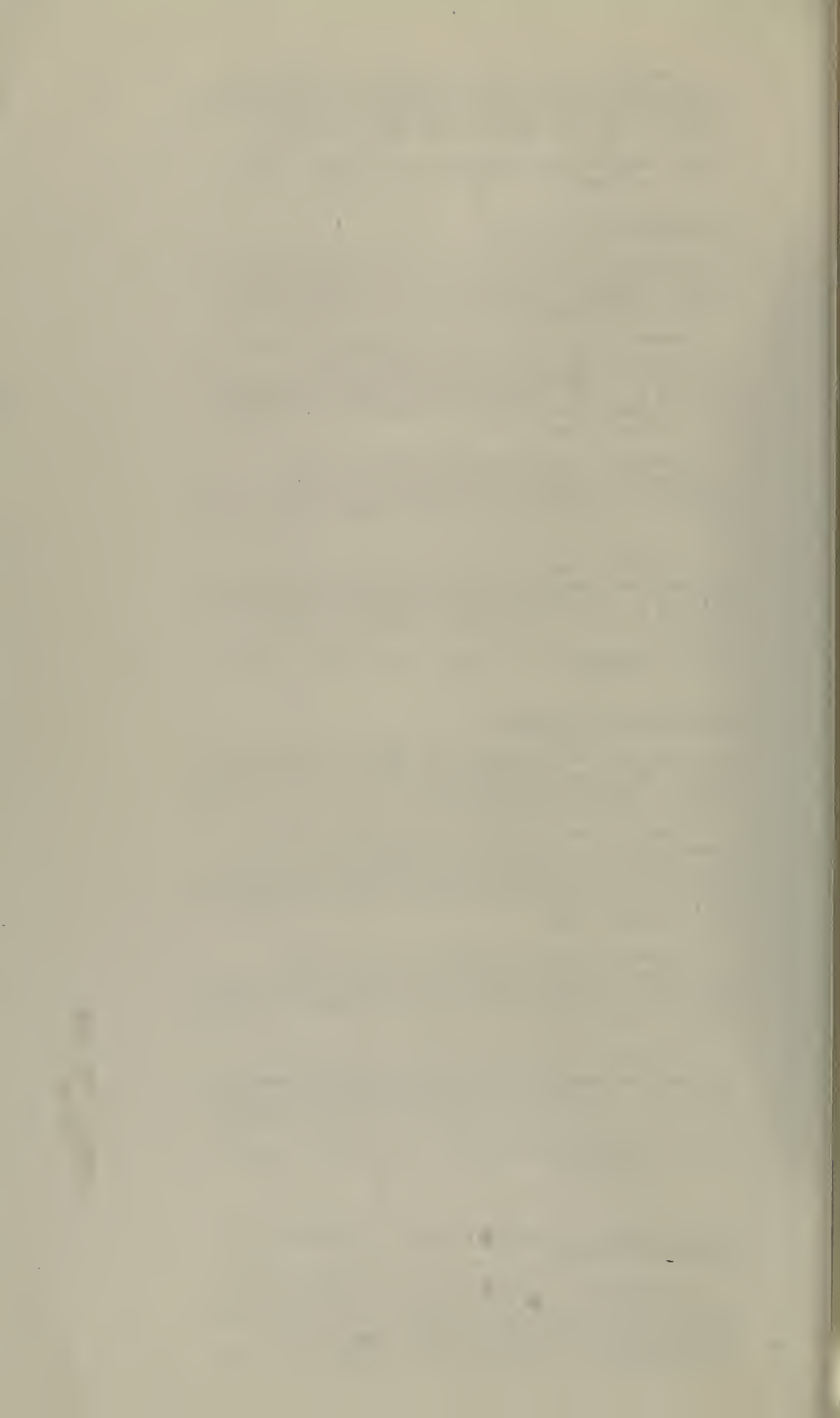
WHEREAS, it was determined by the Police Commission that the date for the hearing of disciplinary charges filed against Inspector Antonio L. Casillas be reset for January 18, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector Antonio L. Casillas is reset for Wednesday, January 18, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

CHIEF'S REPORT ON SENIOR ESCORT'S RESPONSE TO THE
CONTROLLER'S AUDIT

Commissioner Giraudo said the Commission has read the Controller's Audit and the Response of the Senior Escort Programs Director and its plan for reorganization. He said he felt that the Administration is dealing with something that is a



bit more complicated and complex than what the Commission would resolve through the Chief's Report this evening and any public comment that might be made. He said the Commission has received many letters and many phone calls over the last couple of weeks and it is his intention as President of the Police Commission after the Chief's Report is heard and what comment there is to appoint a committee of two Commissioners. He said he would ask Commissioners Lee and Nelder along with Captain Arnold of the Community Services Division and the Senior Escort people to sit down and to go through thoroughly the Auditors Report and response to the Senior Escort Program so that they can come back to the Commission with some good and solid recommendations with respect to the conclusions that have been drawn by the Auditor and the Response. He said it is somewhat troubling in reading it that they speak to a 47% reduction in the Budget for the Senior Escort Service and yet in the same report are statements that the level of services do not have to be reduced. He said he was not necessarily saying that that was not right or wrong but he thought that there needed to be a thorough study of both reports before the Commission can draw any conclusions. He then asked the Chief if he had any comments and if there were any others that might wish to speak that they speak briefly about the subject because the opportunity for the Senior Escort Executive Director, the Department and the Controller will participate in the process in taking apart the Auditor's Report so that the Commission can better understand it.

Chief Frank Jordan said that he would make his comments very brief. He said he was very pleased to hear that the Commission had read both reports on this issue. He said in his opinion there are some very good suggestions and recommendations in the Audit Report but there are others there that are philosophical differences and do need to be evaluated in terms of whether para-transits or whether one on one personal escorts for crime prevention purposes are the way to go. He said they are looking at a long standing twelve-year record of excellent results and it is called the Cadillac of the industry in terms of the best service in the interest of the Senior Escort workers and the Seniors and they are looking at some way to maybe streamline it and maybe reduce some of the cost factors but still provide the high level professional services. He said he would agree that it should be studied before going to further public hearings to see if further evaluation can be made.

Other speakers were Shirley Barreling, Glide Senior Network who said the Senior Escort Program is a unique program and has provided a level of security for seven districts that have poor and minority elders. She said the cutting of services will lead to demoralization, this then leads to being isolated in one's home which leads to deterioration of the mind and eventual institutionalization. She said this will cost much more than the cutting of the services as proposed.

Reverend John H. Lane, Minister of a church in the Hunters Point area, said he has worked with the Senior Escort Program for a long time. He said they have come to the Commission to plead to them to not to cut the heart of the program because if they cut the heart out they might as well take the whole thing. He said what is being presented amounts to



administrative discrimination. He said they are saying that we will cut the program as we cannot afford to protect the Seniors in our communities because it is too expensive.

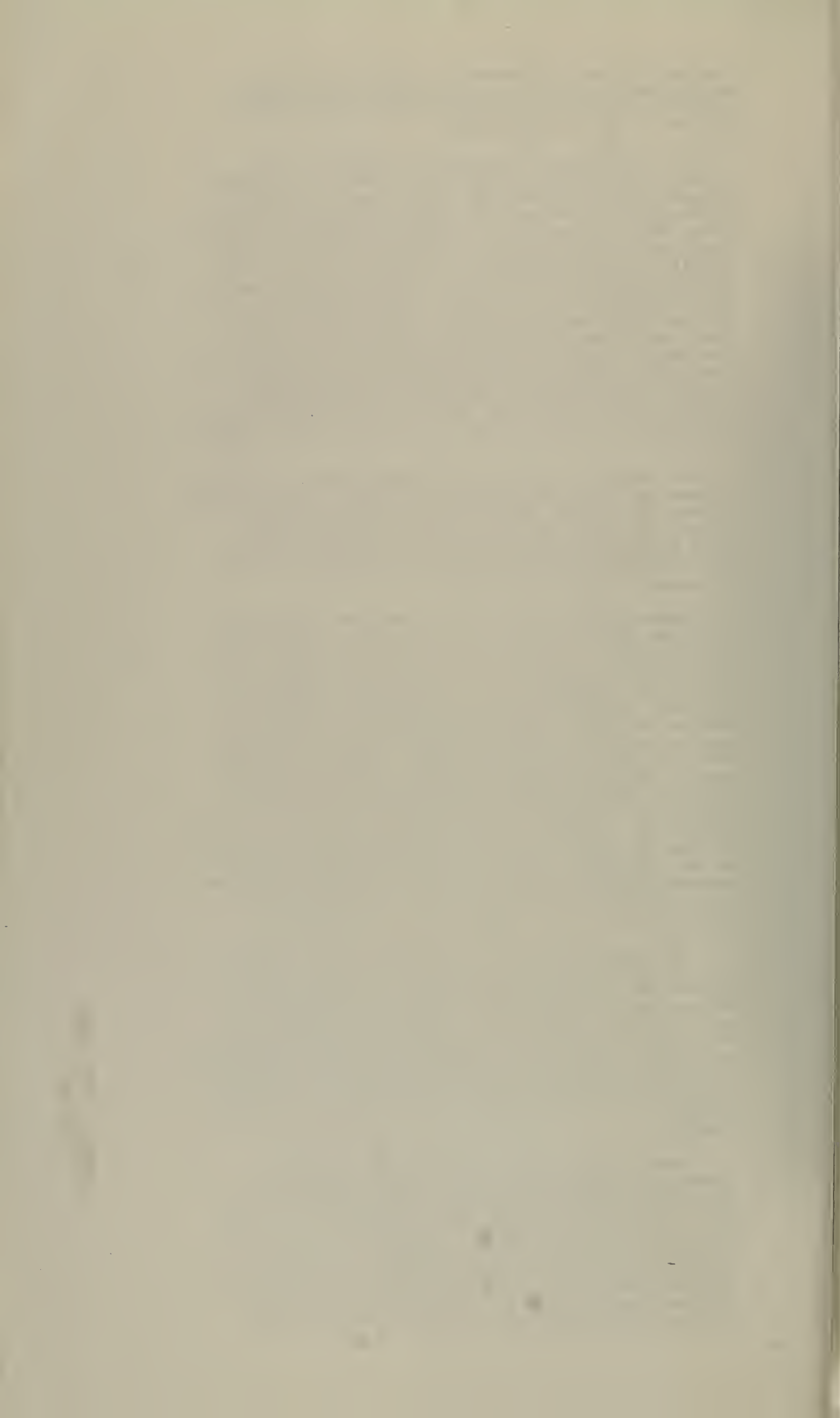
Ms. Gay Kaplan, Director of Services at the North of Market Senior Services. She said she was pleased that the Commission is forming a committee to study both issues. She said in the Tenderloin area, seniors are going to become prisoners in their own homes without escorts. She said they will be unable to provide services to seniors if they are unable to access their homes. She said she urged the Commission to interview agency personnel as they are not duplicating services, they are unique in their advocacy, they provide translation, a means for people to get through systems that are often very intimidating and on behalf of the Staff and the Seniors they serve she said they wholeheartedly support this program and hope that the Commission will look into maintaining the services that already exist.

He said he would urge the Commission to prevent as much of a cut as possible and would also, for the future, encourage the Commission to expand the program as there are many parts of San Francisco that does not have the program. He said it is a state of the art service and is something that San Francisco should be proud of.

Commissioner Orr said that she just wanted to say that the Commission is not without compassion for the Senior Escort Program where it looks at it as something to be proud of as the Commission is of the Police Department and its Community Relations efforts. She said when the Commission saw the Auditor's Report, and read the rebuttal from the escort service, the Commission's concern also was that the Auditor's Report didn't reflect the human aspect and the compassion that the Escort Program achieves which, perhaps, cannot be articulated on paper. So, she said, the Commission's goal, appointing a committee of two, was to see what could be done to preserve the spirit of the Escort Program in the community. She said so everyone can rest assured that the Commission will do the best it can to maintain what it regards as a very proud and important service provided by this Department.

The next speaker was Mr. Charlie Sabella who said he has been with the Senior Escort Service as a senior for a few years going back to when Chief Jordan was a Captain and running the Program. He said not one crime has been committed against a senior who was escorted in the past ten (10) years. He said he felt this is something everyone should be proud of. He said it is very important to keep the escort services going as it has done a good job in the past and will continue to do a good job in the future.

Commissioner Nelder said that the people concerned should rest assured that he would put forth his best effort to maintain the program. He said he had been around the Department for a long time and the Senior Escort Program was one of his priorities and that hasn't changed. He said everything the speakers said tonight was accurate. He said Commissioner Lee and himself and their fellow Commissioners will work with all concerned citizens and hopefully everything will be okay.



Richmond Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Francis Williams appeared in person and was represented by Mr. Kevin Mullen.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Kevin Mullen for the Defense.

RESOLUTION NO. 1947-88

DECISION ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SGT. FRANCIS WILLIAMS

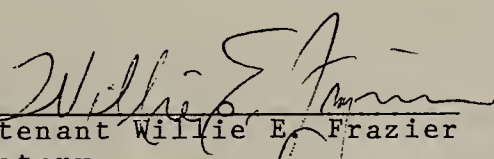
RESOLVED, after listening to arguments presented by Mr. Michael Gash and Mr. Kevin Mullen, and specifically Mr. Mullen's announcement that he and his client were not so concerned about the one-day suspension but were really ready to contest the allegations of his client's untruthfulness, Police Commissioner Medina made a motion to allow Chief of Police Frank Jordan to take back the one-day suspension levied against Sergeant Williams and remand the issue back to the Chief for a new Chief's hearing for reconsideration of the allegations brought against Sergeant Francis Williams, and be it further

RESOLVED, the motion was seconded by Commissioner Nelder and unanimously approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR)

The meeting, thereafter, was adjourned.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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NOVEMBER 9, 1988

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, November 9, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

FEB 21 1989

1. Attorney-Client Conference

2. Personnel Matter

SAN FRANCISCO
PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

NOVEMBER 9, 1988

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, November 9, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF AUGUST 17, 1988

Approval of Minutes of Meeting of August 17, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 2000-88

LUMPKIN vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Larry Lumpkin in the amount of \$37,000.00 entitled "Lumpkin vs. City and County of San Francisco" in United States District Court No. C87-0241 as a result of wrongful death, be, and the same is hereby approved.

Date of Incident: May 20, 1986

AYES: Commisisoners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2001-88

MARTINE LARROUILH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Martine Larrouilh in the sum of \$1,920.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25 through
September 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2002-88

JOHN NELLAUY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Nellauy in the sum of \$402.57 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2003-88

HERMAN P. JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Herman P. Jones in the sum of \$245.78 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2004-88

JOSEPH KENNERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Kennerson in the sum of \$233.15 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2005-88

LYNNE SPEAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lynne Spear in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2006-88

MARIO R. MARTINEZ SOTO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mario R. Martinez Soto in the sum of \$150.00 as a result of a



faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2007-88

ZAREH K. SOGHIKIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zareh K. Soghikian in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2008-88

IRA LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ira Lewis in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2009-88

MONROE W. BURNS, SR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Monroe W. Burns, Sr. in the sum of \$145.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2010-88

BRIAN D. JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian D. Jones in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

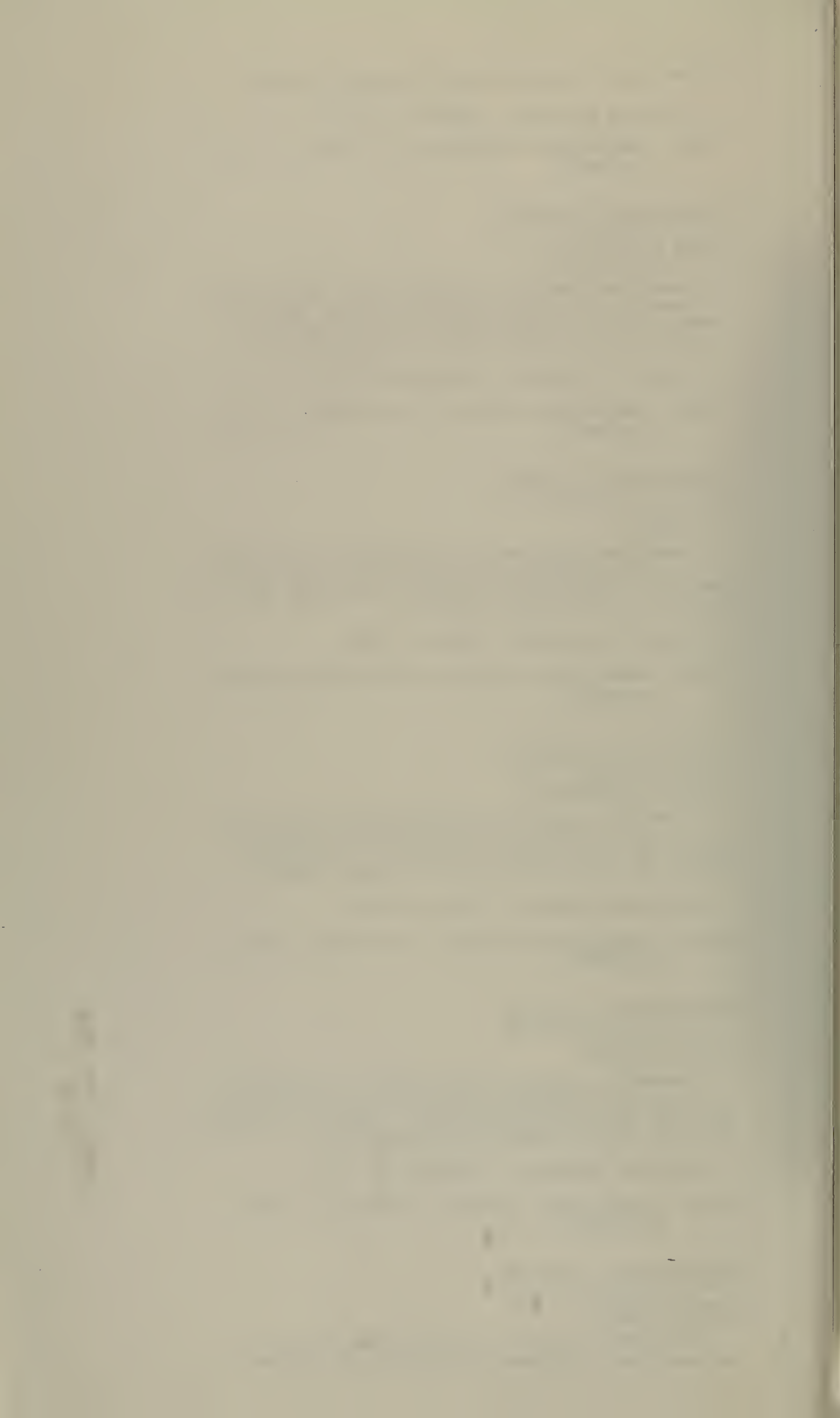
Date of Incident: September 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2011-88

STEVEN SHAPIRO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven



Shapiro in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Stolen - September 3, 1988
Recovered - September 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2012-88

CITY CAB COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Cab Company in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2013-88

MICHAEL WESTRA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Westra in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2014-88

TODD WILLIAM FANADY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Todd William Fanady in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2018-88

CAROL McGRATH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol McGrath in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2019-88

GRETCHEN ROGERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gretchen Rogers in the sum of \$105.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2020-88

JOSEPH L. SIMON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph L. Simon in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2021-88

ANNE M. STEVENSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne M. Stevenson in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2022-88

RONALD Y. LIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald Y. Lim in the sum of \$100.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2023-88

DAVID J. GILROY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David J. Gilroy in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



RESOLUTION NO. 2024-88

KEVIN T. HUGHES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin T. Hughes in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2025-88

MARIAN ESVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marian Esver in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2026-88

BENJAMIN PABROS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benjamin Pabros in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2027-88

DANNY MAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Danny Mak in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2028-88

MATILDE ZIMMERMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Matilde Zimmermann in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2029-88

ANNA K. ZAHAROFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anna K. Zaharoff in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2030-88

DIANE M. SURICO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane M. Surico in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2031-88

NICOLETTE ALEXANDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicolette Alexander in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2032-88

HARRY SUMRALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry Sumrall in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2033-88

SUSAN BURKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Burke in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith



POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Closed Session this afternoon on a Personnel Matter and no vote was taken.

Commissioner Gayle Orr then asked Chief Frank Jordan if she and her fellow Commissioners could have an update from the Department and all of those parties concerned with the management of the Department's Consent Decree so that the Commission could be advised of its status and progress and take a look at what needs to be on-going for the achievement of the Consent Decree goals. She said as soon as the Chief is able to coordinate the people involved she would like to hear from them. She continued by saying ASAP (as soon as possible).

Chief Frank Jordan said he would be happy to do it in fact he would have them respond as early as possible.

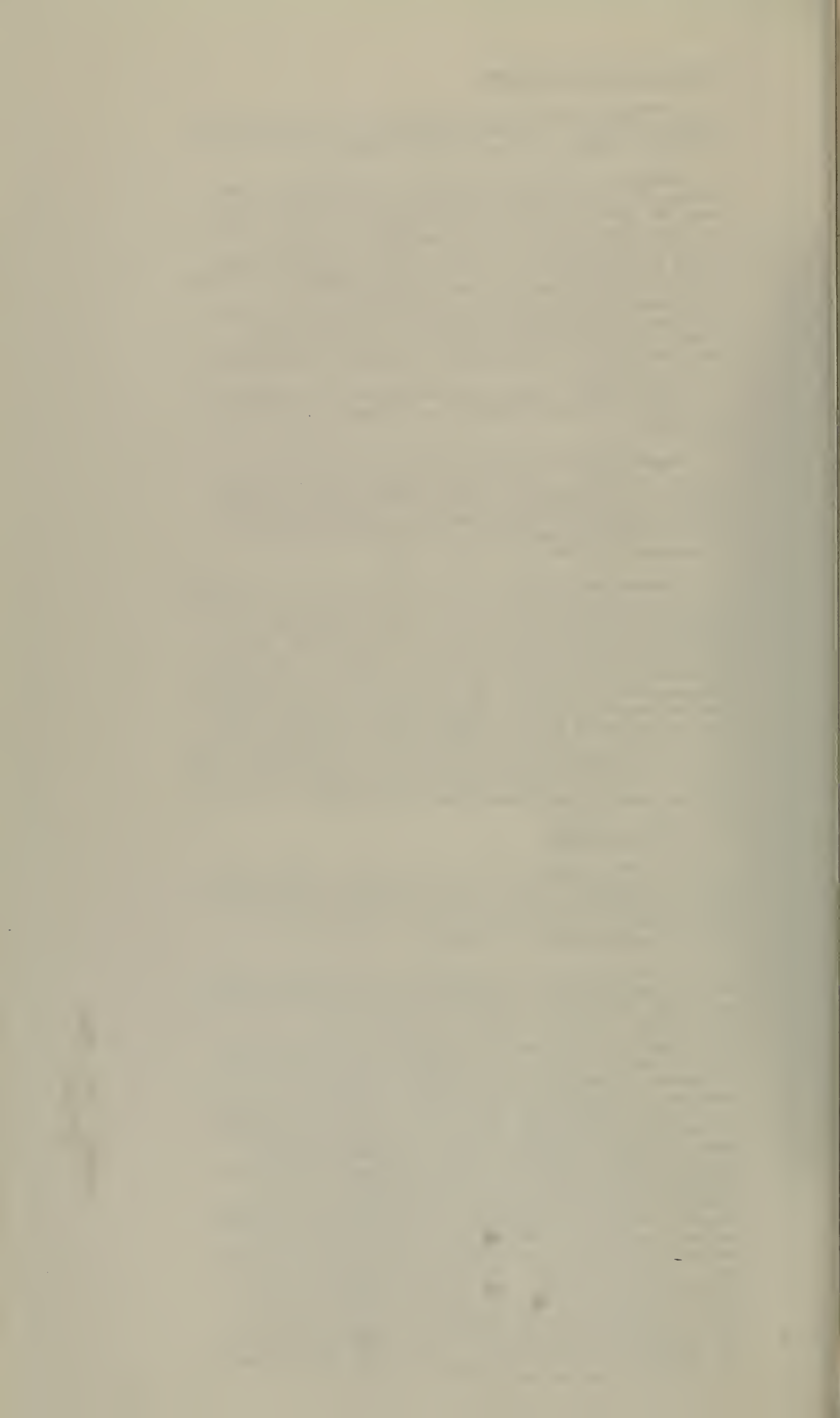
Commissioner Orr then said she would make a motion to have a special item on Calendar for this report on November 30, 1988. Commissioner Nelder said he would second the motion. The motion was then unanimously approved to have that matter calendared for November 30th, 1988.

Commissioner Nelder said he would like to report that he and Commissioner Lee did meet twice with the representatives of the Senior Escort Program. He said the meeting went very well and present were representatives from the Mayor's Office, the Police Department and the Controller's Office. It was very informative, he said. He also said that today they had an overview of the disagreement and went into the intricacies of the program which everyone knows is very good, very productive and very efficient and there is another meeting scheduled, tentatively, for two and one half weeks from today. He said he would report back to the Commission accordingly.

(a) PUBLIC COMMENTS

Mr. John LeBranc, 380 Head Street, submitted a printed document to the Commissioners which he then read indicating support for the Police Department. Commissioner Giraudo thanked him and the next speaker approached the podium.

Mr. Larry Ukali Redd, Black United Front, said he had come before the Commission in the wake of the shooting of Charles Bell, Jr. and requested that the Commission order the OCC to conduct an investigation. He said he thought that each time a person was killed by the police there should be an automatic investigation by the OCC but so far nothing has happened and neither with his request to the Police Commission. He said he would just like to point out that the Police Commission shouldn't have a double standard. When Jodi Reed says she wants to come down here with her organization, the Commission places her on the agenda but when he (Redd) called Lieutenant Willie Frazier to get the Charles Bell, Jr. shooting officially on the agenda, he was told there was no way. He said he even called some of the Commission members and they did not return his calls. He said so there is a double standard here because who is Jodi Reed as she is just a regular citizen just like members of the Black United Front or anybody else. He said if you are going to allow some community groups to get on the agenda and others not to, then the Commission is definitely practicing a double standard.



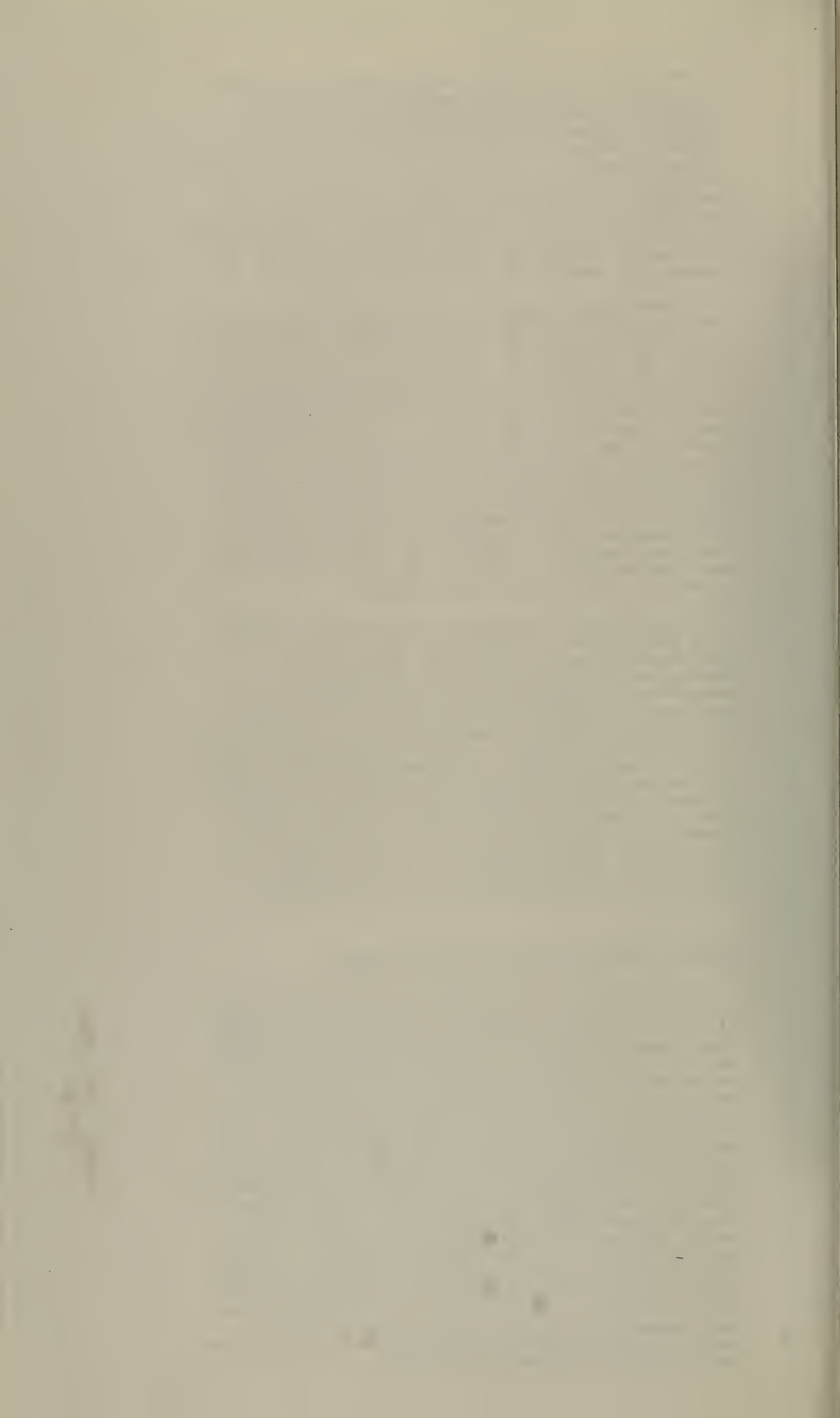
He then said the next point and the last point is this, if in fact the Commission is going to discuss the Larry Lumpkin case when would it be listed as a case involving Elizabeth Butler or Elizabeth Heller and her Client vs. City and County of San Francisco. He said he felt that was kind of underhanded because then the Press is not alerted and many press people would have been here if they had known the Commission was going to have something to say about the Larry Lumpkin case many might have been here. He said he felt these are the kind of issues the Commission needs to clear up.

Commissioner Giraudo advised that Mr. Redd was now before the Commission and speaking this evening and has always had the opportunity to come and speak before the Commission. He said the case that Mr. Redd refers to was in a Closed Session because of potential settlement of that matter put forth by the Lumpkin Family Attorney and it was not something for public discussion this evening. He then advised Mr. Redd that the last time that he appeared here, he spoke about the case of Mr. Charles Bell, Jr. and the Commission informed him that the OCC would be more than happy to take a complaint from him. The Commissioner said he had been advised by the OCC that they have had conversations with Mr. Redd and that they sent him a form and Mr. Redd refused to use that particular form and insisted the OCC create a new one for his particular purpose.

Commissioner Orr also advised Mr. Redd that Ms. Reed and the OMI was placed on the agenda because of the Drug Abatement Program the community had undertaken in the area and they came and gave a report to the Commission with the program so that the Commission could see if it would be feasible for utilization in other communities in the city and county of San Francisco. She also advised Mr. Redd of her personal inquiry into the investigations done by the San Francisco Police Department, the District Attorney's Office and the FBI, who conducts Civil Rights Violation investigations, and said based on those investigations, she was satisfied that the shooting of Charles Bell, Jr. was unfortunate but not because of any misconduct on the part of an officer of the San Francisco Police Department.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he would like to take this opportunity to congratulate the men and women of the San Francisco Police Department for the task they accomplished last evening during the election. He said the election returns were held at a number of locations both at Democratic and Republican Headquarters on Van Ness Avenue and at some of the other locations where there could have been incidents particularly at a large demonstration and crowd up at 18th and Castro and another Democratic Party on Market Street at the Warfield Theatre. He said it is commendable just looking at the number of incidents which were all handled very, very smoothly from the stand point of crowd control where the actual demonstrators themselves all seemed to have been conducted in a very professional way. He said there was only one arrest through the whole night and he just wanted to compliment the Tactical Teams, Traffic Division and District Station Officers who were needed from early morning to the following early morning and it was something he also wanted to let the Police Commission know about.



Commissioner Medina said that he would like to comment and praise the conduct of the officers as he was also present that night on those occasions and he would like to confirm what the Chief has said.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC said that two weeks ago he had advised the Commission that the OCC would have the Dolores Huerta investigation concluded and it was concluded as of this afternoon. He said the letters will be sent out to the complainants, the representatives, the Police Officers and their representatives.

PUBLIC DISCUSSION REGARDING PROPOSAL FOR IMPROVING SAN FRANCISCO POLICE DEPARTMENT CROWD CONTROL PROCEDURES AND POLICY

Commissioner Giraudo said the Commission announced last week, after hearing from the Department who basically described to the Commission the present state of the art for Crowd Control in the City and County of San Francisco, that the Commission would be hearing tonight, from members of the public who wished to address the Commission with respect to the generic or general topic of crowd control. He said the Commission will not and cannot entertain discussion this evening with regard to any specific incidents. He said the Commission is interested in comments from the public that address the general topic of Crowd Control with respect to any suggestions that the public may or may not have. He said, so, this evening the Commission welcomed their comments but cannot, as a Commission, discuss any particular incident. He said this is a discussion to help the Commission review the Crowd Control Policy of the SFPD and its procedures so that he and his colleagues can determine whether in fact there are improvements that can or need to be made or whether in fact the present Event Management Manual will stay in tact as it is.

Mr. John Crew, attorney for the ACLU, then came forth and addressed the Commission. He said the ACLU, the National Lawyers Guild and Community United Against Violence has provided the Police Commission a four (4) point proposal dealing with these issues. He said this proposal is not intended to go over every minor detail but rather give the Commission an approach to take as an important first step. He said the proposal has been endorsed by a variety of diverse groups from the African Alliance to the American Legion Congress to the Criminal Trial Lawyers Association. He said he would like to take the opportunity to congratulate and thank the Commission for undertaking this hearing process as it is unprecedented. He said over the last few years, the ACLU has been before the Board of Supervisors for similar hearings at least three (3) times in the last four years and as the Commission knows, the Board of Supervisors doesn't have authority to set policy in this area but they can set budgetary measures, so he said, they were happy and very pleased that the Police Commission has undertaken this effort. He said he would also like to thank the Department for a very interesting presentation last week, a very educational presentation. He said he was also pleased to see

the Deputy Chiefs present along with Captain Welch to hear the Community discussion on this item. He continued by then saying that San Franciscans more so than many others in cities around the country are aware of their First Amendment Rights and value them very highly. He said perhaps that is why there is such an uproar when people here feel that their First Amendment Rights are endangered. He said this obviously puts a great burden on the SFPD and is then a challenge to the SFPD. He said what he thinks, and certainly what the ACLU is saying, is that they want procedures, tactics and policies that are consistent with what San Franciscans want in terms of its protection of their First Amendment Rights. He then pointed out some of the deficiencies in the Department's policies relating to some recent past events and to recommendations from past studies done by SRI Reports and others. He then said that there are a lot of problems with the SFPD's Major Event Manual as it is the only or the main policy. First of all, he said, it only goes to sergeants and above and leaves out the patrol rank who needs the information also. He said it was first approved by the Commission in 1987 and revised and those revision to his knowledge hasn't been brought back before the Commission. He said a third and a very important matter is, it is their understanding that the City Attorney, in the last couple of days, has issued a ruling that the Event Management Manual is not a public document. He said if they are speaking about building public trust, then the public needs to have access to what the policies of the Department are. He said something he would point out in comparison to other cities is that those departments stressed the need to facilitate and protect free speech. He said in their own proposal which they feel should be made into a General Order for the SFPD, they have a list of one through nine things, a minimum, of which they feel should be in this General Order. After going through some of the particulars, Mr. Crew said, obviously the Commission would endorse a process whereby a General Order could be drafted with the Department and the Community workers meeting together or each could bring in alternative proposals, but he said, they did feel that this, as a General Order, is something that is missing, blatingly missing from the SFPD's current policies.

Commissioner Orr advised Mr. Crew that she would just like to clarify a matter and called upon Captain Welch to respond to the question of when the Department sets the limitations for where the crowd will be, or can be, to outline some of the considerations that go into the making of that decision. She said Mr. Crew has said that there may be no legitimate reasons for the Department to make those decisions and she said she would just like to explore some of the reasons the Department uses in setting those limits.

Captain Welch said what the Department basically uses as a guideline is sight and sound. He said they look at the demeanor of the crowd, the controversial level, the available resources that are present particularly where the demonstration is going to take place. He said consideration also must be given to people who are going to be trying to use the area or buildings or the other group that wants to participate. He said there are a number of things that go into this and paramount to it is the safety of everyone involved, the general public as well as the people who want to demonstrate.

Mr. Bobbie Stein, National Lawyers Guild then addressed the Commission in regards to the composition of the Tactical Squad and the selection criteria. She said final selection of a TAC Squad Officer should be made by a Review Committee instead of only by the Commanding Officer. She said the first thing to do would be to set some standards, to set some minimum requirements for the TAC Squad, a Review Process, and then develop some fine points and work out the details later. She said their proposal is meant to foster public trust in the Department and at the same time insure the Due Process Rights of the individual officers.

Mr. Lester Armstead Rose, CUAV (Community United Against Violence), said he would speak briefly on the OCC and respond to some of what was presented to the Commission at last week's meeting by the Department. He said particularly to the monitoring of events as stated last week and as many people know CUAV do have community monitors primarily for lesbian and gay events. He said it is a real interesting idea to spread and promote the utilization of that model to other communities and throughout the city. He said CUAV also has a tremendous record in working with the SFPD and he wanted to give kudos for this to the Department. He said ten (10) years ago, CUAV was started because of exactly these kinds of problems, i.e., the White Night Riots, were one of the reasons that the organizations came into being. He said at that time their primary problem, he was sorry to say, was the Police Department. He said but that has changed massively in the insuing years because they have worked with the Police Department and the Police Department has been tremendous in working with them. He said he wanted to speak favorable about the OCC because in speaking about building up the public trust this agency and what it can do is part of what they are proposing here, methods for this agency to take to build up the public trust in the police department. He said the OCC is central to that goal and is designed to bring about accountability when there is a bad apple in the SFPD and when there is a problem. He said last week the Chief said he and the Department are open to OCC participation and that participation is welcome and commendable and CUAV is very glad to hear that and feel that that is a great direction to move in. He said secondly the Chief has worked on a procedure to notify the OCC when these events occur and that had been a problem in the past. He said in their proposal, which is on page 5, goes through a number of things such as filming of these events by the Department and the OCC. He said one of the things they would ask the Police Commission to do is to pass a resolution asking the District Attorney to respect the independence of the OCC. This would be to protect the Commission's Agency which is the OCC and to protect the integrity of that agency. He said last but not least is funding for the OCC and it is up to the Commission to expend their political energies to attempt to see that this agency is fully funded.

Ms. Diana Lyons, Attorney for Howard Wallace, Dolores Huerta and Allison Wright said she brings comments from the United Farm Workers as well as her clients. She said all endorse, as far as they go, the points raised in the ACLU, Lawyers Guild and Community United Against Violence Proposal. She said but there are a number of additional factors in their view which should be considered. She said

since there were a number of officers who supplemented efforts last night in crowd control and did such a commendable job in her and her clients view, the Tactical Squad should not be assigned at all unless there is cause to believe that there will be violence on the part of the crowd and that it is something other than a peaceful exercise of First Amendment Rights. She said officers should attempt to move crowds by peaceful persuasion because they have to realize that when they use that 36" Baton they are not just hitting a person in the same sense that one would if it was just someone standing in for them to move. She said then there lies the harm but in their view there is no need for the batons and no need for the force but just a lot of little yellow pads and citations for officers to write if people do not comply with the officers' orders.

Commissioner Giraudo then announced that before the Commission entertained anymore speakers in this regard it has just been brought to his attention that there is an expert witness present here for another case before the Commission tonight that needs to be heard as the witness must catch a plane leaving San Francisco in the next 45 minutes. The matter, a closed session item, and everyone had to temporarily leave.

STATUS REPORT ON HEARING OF DISCIPLINARY CHARGES
FILED AGAINST OFFICER JEAN J. POWERS, RICHMOND
STATION

Mr. Clifton Jeffers advised the Commission that the psychologist who has been treating Officer Powers, Dr. Block, would update the Commission as to the Status of the Officer's condition.

Mr. Block said that she has continued to see Officer Powers in the three and a half months since she last appeared before the Police Commission. She said Officer Powers' condition has continued to improve, however, she said, she would recommend that this hearing be delayed another sixty (60) to ninety (90) days.

Commissioner Nelder said he felt the Commission should take the Doctor's advice and schedule this for two and a half months from now for hearing. He said he would make that as his motion. Commissioner Medina seconded and it was unanimously approved.

STATUS REPORT ON HEARING OF DISCIPLINARY CHARGES
FILED AGAINST OFFICER JEAN J. POWERS, RICHMOND
STATION

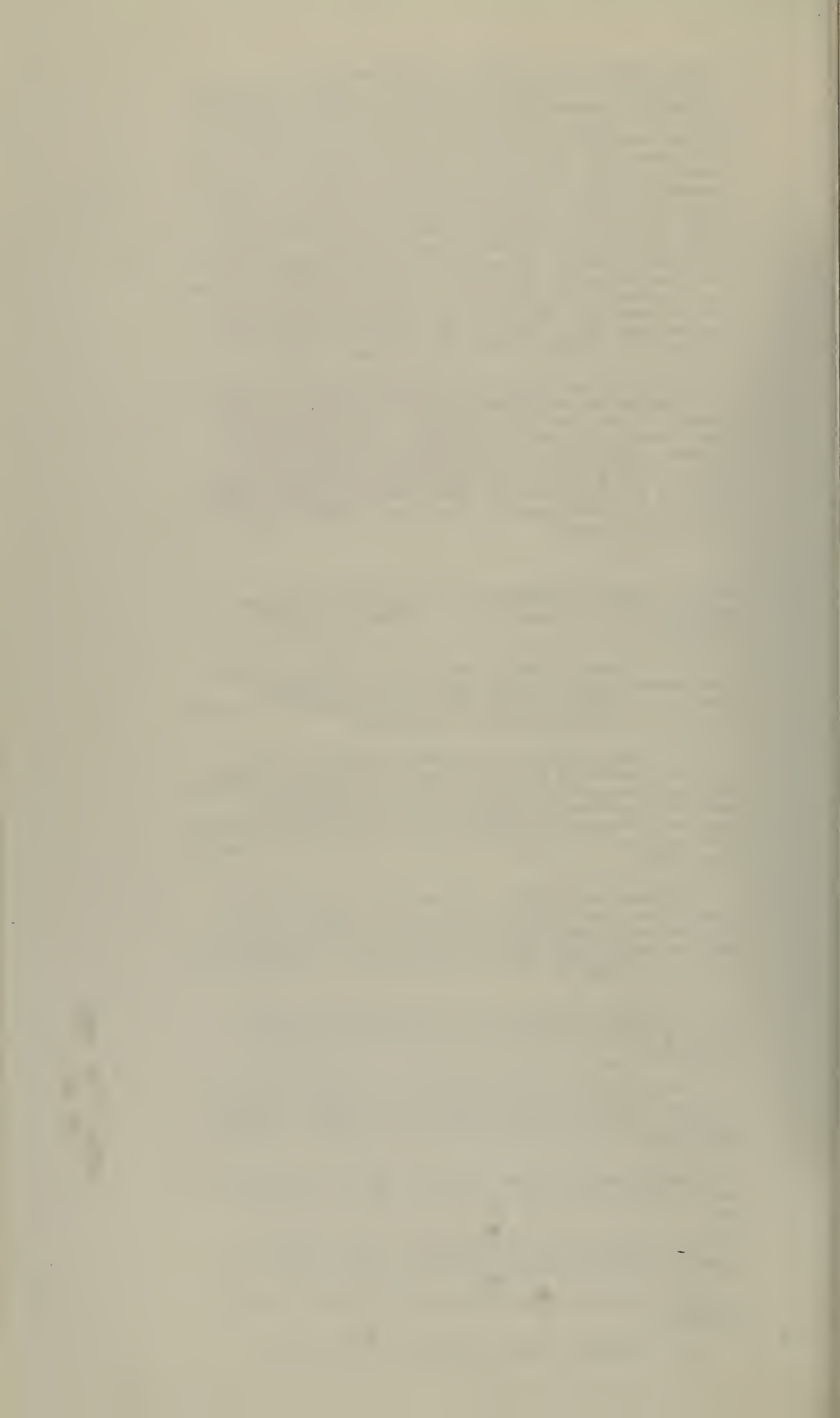
The hearing on the status of the disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, was called it having been set for this date.

Police Officer Jean J. Powers did not appear but was represented by Mr. Clifton Jeffers, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following person was called by Mr. Clifton Jeffers:

Dr. Carolyn B. Block, Clinical Psychologist



After listening to the statements of Dr. Block, the Commission accepted her recommendations and the matter was continued to February 8, 1989.

RESOLUTION NO. 1996-88

RESOLVED, that the hearing of disciplinary charges filed against Police Officer Jean J. Powers be set for Wednesday, February 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

At this time, the previous matter, prior to being interrupted, resumed.

Ms. Jean Harris, Legislative Aide for Supervisor Harry Britt, said that she wanted to relate to the Commission, Supervisor Britt's support for the process the Commission is going through in listening to the input about the policies and practices of Crowd Control. She said the Supervisor wanted to convey his thanks and that he felt the Commission was doing an outstanding job.

Mr. John Holliday, All People's Congress, spoke on specific police incidents.

Mr. Don Ikenberger, Statewide Office of the Abalone Alliance in San Francisco, said he was supportive of non-violent demonstrations in the spirit of Martin Luther King and Ghandi. He agreed with the concept of training of monitors to oversee demonstration.

Mr. John Wahl, speaking just as a citizen, said he wanted to commend the ACLU, the National Lawyers Guild and Community United Against Violence for presenting the Commission with this proposal for a possible draft of a General Order for Crowd Control Procedures.

Mr. Ron Maxon, said he did not represent any group of people but that he has been involved in six Civil Rights Demonstrations that have resulted in arrest from Philadelphia to Atlanta and several here in the Bay Area. He said in Atlanta he spent thirty-two (32) days in jail so he had some personal closes experiences with a variety of police forces. He said he would like to say that the SFPD is extremely professional and very effective. He said he felt this should bare on the Commission's deliberations in terms of what they are hearing from people who are far more qualified in terms of legal questions but not as qualified as he is in terms of tactics. He said because no one ever considers the feelings of the officers, he felt there should be a conscious clause for officers; he said as far as criteria for selection for Tactical Officers, there should be some but the tendency is to be too direct and judgement by a committee is an absolute disastrous way to interfere between the Commander and his troops. He said all in all he felt that it is up to the citizens to be as open and as honest and show the kind of integrity that they are demanding of the Police Forces and Governmental agencies. He said as the Commission deliberates on establishing policy and priorities for the SFPD he would submit that it is extremely important to give them space to err on the side of being over prepared rather than to overly restrain them.

Mr. Wallace Levin, said he has had the honor of serving the City and County of San Francisco for four years on the Task Force for noise control and he is past Chairman of the Delinquency Prevention Council and presently serves as President of the Veterans Affairs Council. He said tonight is the 50th Anniversary of the night that the Nazis destroyed 300 Jewish synagogues and thousands of shops in Germany. He said he specifically wanted to publicly say, that during the past two decades, thanks to the SFPD, people of the Jewish Faith in San Francisco have been able to practice their religion in peace and safety. He said all he knows is that what he has seen through the years is that the main reason the police are at these demonstrations, in most cases, is to protect the constitutional rights of some group or individuals to speak. He said they have the difficult job of standing between some very, very angry people to allow other people to have their constitutional rights exercised. He said he just wanted to say also that he hoped that members of the Commission will attend, all or individually, these large demonstrations so that they can get a feel of what these police officers go through.

Mr. Bob Barry, President of the SFPOA, said that in his opinion the SFPD has adequate procedures developed in the Department now and adequate review of officers entering into the Department's TAC Squad and other areas of the Department with the ultimate authority not resting in the Commanding Officer of the Unit but with the Chief of Police. He said the Chief has exercised his discretion in allowing or not allowing certain officers into those units based on articulable reasons that he (Mr. Barry) might not agree with but in the final analysis he would have to concur that the judgement is the Chief's and the Chief's alone.

Mr. Miles Locker, Attorney for the SFPOA, came forth and briefly discussed the legal problems as he saw them with the ACLU's proposal in making public any information in the background files of members of the TAC Squad. He said obviously the ACLU is well aware of state law that provides for certain confidentiality provisions in that Police Officers' Personnel files cannot be disclosed to the members of the public. He said also Penal Code Section 832.7 states that Peace Officer Personnel Records are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Section 1043 of the Evidence Code. He referred to an Attorney General's Opinion regarding anonymity as suggested in the ACLU's proposal in that it would not suffice and said what he would like to do is to submit a copy of the Attorney General's Opinion to the Commission along with a brief letter discussing the significance of it. Mr. John Crew then requested to be heard and said that he and Mr. Locker did not agree. He said that as the Commission knows Attorney General's Opinions are advisory and if it was law it would mean the current OCC Statistics and procedures for their release as required under the Charter would be illegal and he said it is his understanding from what he has read in the newspaper that the City Attorney for San Francisco feels that that Advisory Opinion is wrong and the ACLU believes it directly conflicts with a Court of Appeals Decision recently issued. He said if the Commission wants to study it further he would certainly provide the Commission with the briefs.

Commissioner Giraudo said that he would like to thank all of the speakers this evening who expressed opinions and made recommendations. He said there is a great deal for the Commission to consider and he personally felt a need to talk with the SFPOA to talk with some police officers within the TAC Squad, to attend a training class and to see exactly what does transpire during the course of those training classes. He said he thinks the Commission has a need for the Chief of Police to draw whatever conclusions he is drawing from the various discussions and to come to grasp with whatever budgetary issues that may or may not be concerned with the recommendations that he may or may not be making. He said he also felt a need to be able to discuss further the proposals that have been made tonight from the community groups that have appeared this evening. He said he felt the Commission should search out some answers and then come back as a group to discuss and hopefully have another report from the Chief with respect to his projected conclusions and then for the Commission to have a discussion about the recommendations that have been made by the three groups that submitted the recommendations this evening.

Commissioner Nelder agreed and said perhaps that can be done in approximately three weeks and then have a public meeting for the Commission's own input in about four (4) weeks from this date.

Chief Frank Jordan in answer to Commissioner Orr's question as to timeliness for him, said that he had no problems with three weeks and that the only problem he would have is that if all five Commissioners did want to see training and to talk to some Tactical Unit Officers and see some demonstrations as there probably will be numerous in three weeks from past history but certainly the Department is agreeable to assist and welcome the opportunity to have all of the Commissioners do so.

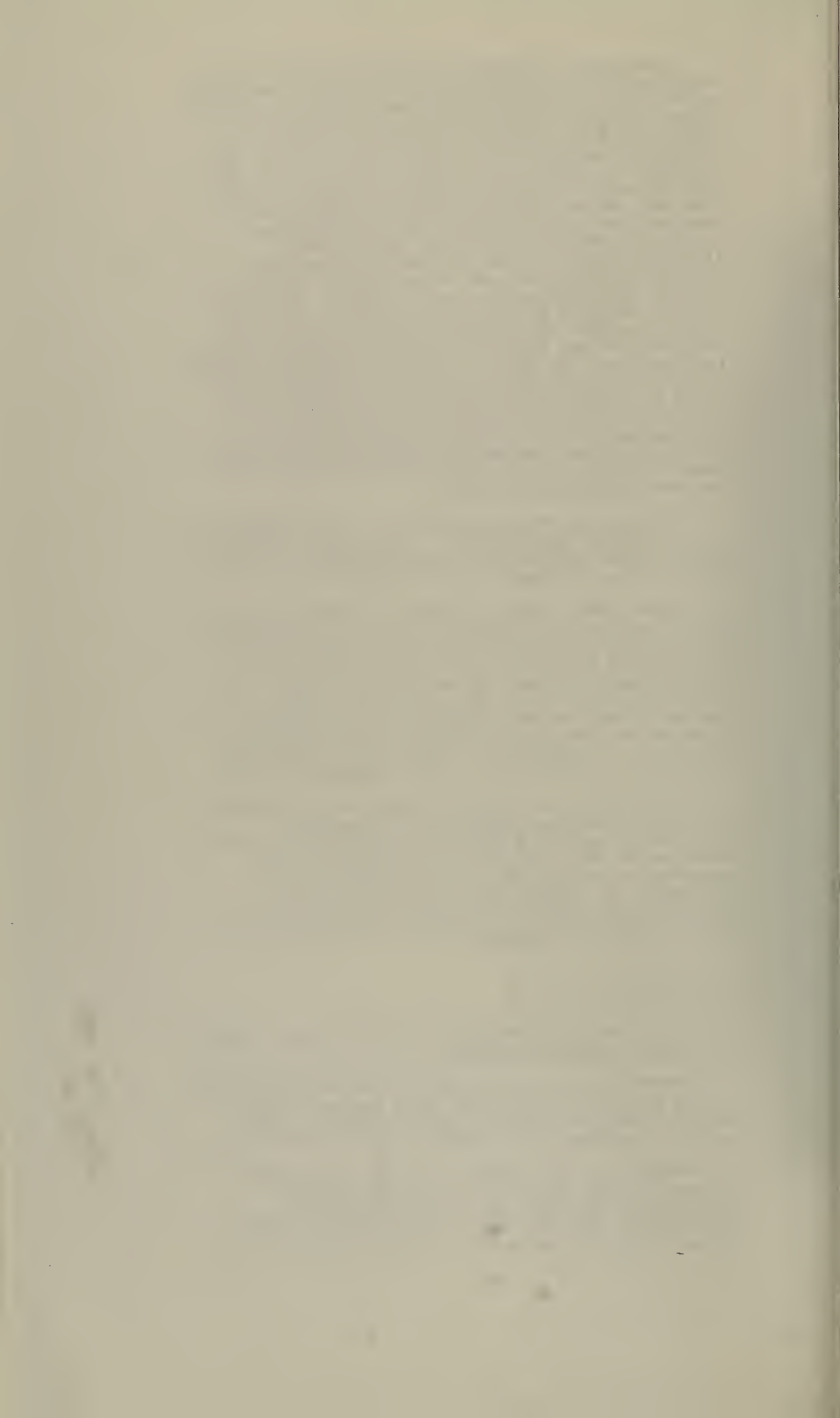
Commissioner Orr said she would make a motion that the Commission proceed as the President recommendation with a report from the Chief in three weeks as to their projected considerations or recommendations and then at that point take an assessment or reading on the Status of the Commission and its deliberations and project a date. Commissioner Lee seconded this motion and it was unanimously approved.

RESOLUTION NO. 1994-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER JUDITH C. TWINE, INGLESIDE STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Judith C. Twine, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Judith C. Twine be set for February 22, 1989; therefore be it



RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Judith C. Twine is set for Wednesday, February 22, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1999-88

HEARING OF POLICE OFFICER BETTY L. BROWN, CRIMINAL INFORMATION DIVISION - RECORD ROOM

WHEREAS, on September 21, 1988, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Betty L. Brown, Criminal Information Division - Record Room, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Members shall obey all lawful orders of superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, November 9, 1988, as the date for the hearing on charges filed against Officer Betty L. Brown; and

WHEREAS, Chief of Police Frank M. Jordan announced that the Police Department was in receipt of the resignation of Police Officer Betty L. Brown from the San Francisco Police Department, said resignation effective close of business November 9, 1988, which resignation was accepted with the condition that the services of Police Officer Betty L. Brown have been unsatisfactory and that she does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Betty L. Brown, be, and the same are hereby continued off calendar.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1993-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Dennis M. Costanzo, Ingleside Station:

SPECIFICATION NO. 1

Failure to comply with provisions of General Order D-4 as mandated by the Police Commission (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Dennis M. Costanzo, Ingleside Station, is scheduled for Wednesday, November 16, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1995-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER JOSEPH ARSANIS, CRIMINAL INFORMATION DIVISION - RECORD ROOM

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Joseph Arsanis, Criminal Information Division - Record Room, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Joseph Arsanis be set for December 21, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Joseph Arsanis is set for Wednesday, December 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING TO RECONSIDER THE RECORD IN DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON POLICE OFFICER RONALD HOLLINS, SOUTHERN STATION

The hearing to reconsider the record in decision to sustain the Chief's suspension of four (4) days imposed on Police Officer Ronald Hollins, Southern Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Ronald Hollins appeared in person and was represented by Mr. Clifton Jeffers, Attorney at Law.

A motion was made by Attorney Clifton Jeffers for the Commission to disqualify itself. The Commission entertained a motion by Commissioner Nelder to deny the motion, seconded by Commissioner Medina, and the motion was denied.

Thereafter, Commissioner Giraudo requested that the Commission be polled as to whether or not they had read the previous transcripts of the hearing in the matter of Officers Hollins and Jones. The polling went thusly:

Commissioner Giraudo: AYE
Commissioner Lee: AYE
Commissioner Medina: AYE
Commissioner Nelder: AYE
Commissioner Orr-Smith: AYE

The following witness was called by Attorney Jeffers:

Chief of Police Frank M. Jordan

There were no closing arguments by either attorney.

The Commission took the matter under submission and returned with the following decision and findings:

RESOLUTION NO. 1997-88

DECISION AND FINDINGS

WHEREAS, the hearing to reconsider the record in decision to sustain Chief's suspension imposed on Officers Ronald Hollins and James D. Jones was heard in accordance with Superior Court Order No. 883-781, and

WHEREAS, the Commission, having read the transcripts from the previous hearing, and pursuant to Superior Court Order No. 883-781, permitted Chief of Police Frank Jordan to be called as a witness, and consistent with the findings of Chief of Police Frank Jordan, the Commission makes the following findings of facts set forth as follows:

- (1) Officer Hollins, with his partner Officer James D. Jones, prepared an unacceptable Incident Report;
- (2) Officer Hollins failed to inform his supervisory officer that he had shown a suspect to the victim of a serious crime;
- (3) Officer Hollins failed to identify the suspect he located on November 11, 1986;

therefore be it

RESOLVED, that it is the findings and decision of the Police Commission to sustain the Chief's suspension of Officer Ronald Hollins as a police officer for four (4) working days; and be it further

RESOLVED, that said findings and decision be, and the same, is hereby affirmed and approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing of Officer Ronald Hollins:

10:20 p.m. to 10:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING TO RECONSIDER THE RECORD IN DECISION TO
SUSTAIN CHIEF'S SUSPENSION IMPOSED ON POLICE OFFICER
JAMES D. JONES, SOUTHERN STATION

The hearing to reconsider the record in decision to sustain the Chief's suspension of ten (10) days and two (2) days imposed on Police Officer James D. Jones, Southern Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer James D. Jones appeared in person and was represented by Mr. Clifton Jeffers, Attorney at Law.

A motion was made by Attorney Clifton Jeffers for the Commission to disqualify itself. The Commission entertained a motion by Commissioner Nelder to deny the motion, seconded by Commissioner Medina, and the motion was denied.

Thereafter, Commissioner Giraudo requested that the Commission be polled as to whether or not they had read the previous transcripts of the hearing in the matter of Officers Hollins and Jones. The polling went thusly:

Commissioner Giraudo:	AYE
Commissioner Lee:	AYE
Commissioner Medina:	AYE
Commissioner Nelder:	AYE
Commissioner Orr-Smith:	AYE

The following witness was called by Attorney Jeffers:

Chief of Police Frank M. Jordan

There were no closing arguments by either attorney.

The Commission took the matter under submission and returned with the following decision and findings:

RESOLUTION NO. 1998-88

DECISION AND FINDINGS

WHEREAS, the hearing to reconsider the record in decision to sustain Chief's suspension imposed on Officers Ronald Hollins and James D. Jones was heard in accordance with Superior Court Order No. 883-781, and

WHEREAS, the Commission, having read the transcripts from the previous hearing, and pursuant to Superior Court Order No. 883-781, permitted Chief of Police Frank Jordan to be called as a witness, and consistent with the findings of Chief of Police Frank Jordan, the Commission makes the following findings of facts set forth as follows:

- (1) Officer Jones, with his partner Officer Ronald Hollins, prepared an unacceptable Incident Report;

- (2) Officer Jones failed to inform his supervisory officer that he had shown a suspect to the victim of a serious crime;
- (3) Officer Jones failed to identify the suspect he located on November 11, 1986;

therefore be it

RESOLVED, that it is the findings and decision of the Police Commission to sustain the Chief's suspension of Officer James D. Jones as a police officer for ten (10) working days for an incident on November 11, 1986, and two (2) working days imposed on October 1, 1986 for a similar incident; and be it further

RESOLVED, that said findings and decision be, and the same, is hereby affirmed and approved.

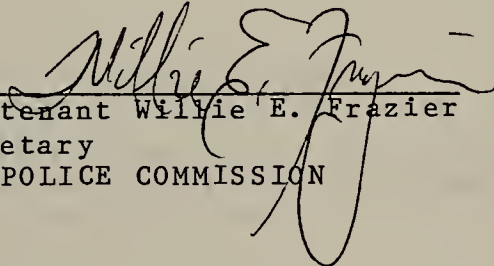
AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing of Officer James D. Jones:

10:20 p.m. to 10:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 10:35 p.m..


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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MINUTES
NOVEMBER 16, 1988

CLOSED SESSION

6/88
The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, November 16, 1988 at 1700 hours in Closed Session.

DOCUMENTS DEPT.

FEB 27 1989

Commissioner Nelder presiding.

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PUBLIC LIBRARY

1. Attorney-Client Conference

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

NOVEMBER 16, 1988

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, November 16, 1988 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF AUGUST 24, 1988

Approval of Minutes of Meeting of August 24, 1988, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 2037-88

CLEMENT De AMICIS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Clement De Amicis in the amount of \$4,999.00 in Superior Court No. 763-543 as full settlement of claim for damages in connection with his change of status as Deputy Chief of Administration with the Police Department.

Date of Incident: On or about February 14, 1980

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2038-88

PAUL E. BALENZUELA, Jr.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul E. Balenzuela, Jr. in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: stolen March 7, 1988,
recovered April 18, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2039-88

JOSEPH M. KEENE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph M. Keene in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2040-88

DOUGLAS J. DEVINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas J. Devine in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2041-88

THOMAS FAULKNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Faulkner in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 17, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2042-88

DIANE MADEJ-BANKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane Madej-Banks in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2043-88

SCOTT HUNTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Hunter

in the sum of \$80.00 as a result of a faulty tow,
be, and the same is hereby approved.

Date of Incident: September 22, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2044-88

NORMA T. HUGHES

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Norma T.
Hughes in the sum of \$80.00 as a result of a faulty
tow, be, and the same is hereby approved.

Date of Incident: September 16, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2045-88

FELICIA ROBINSON

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Felicia
Robinson in the sum of \$80.00 as a result of a
faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2046-88

JEFFREY D. RAWSON

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Jeffrey D.
Rawson in the sum of \$80.00 as a result of a faulty
tow, be, and the same is hereby approved.

Date of Incident: September 19, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2047-88

DAVID PITCHFORD

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of David
Pitchford in the sum of \$80.00 as a result of a
faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2048-88

BEVERLY & GLENN W. SCOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beverly and Glenn W. Scott in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2049-88

NANCY ALEXANDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy Alexander in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2050-88

JEFFERY DEAN EHRMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffery Dean Ehrman in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2051-88

AMY J. KENRET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amy J. Kenret in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2052-88

KERRY ONISHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kerry Onishi in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo



RESOLUTION NO. 2053-88

MARK REDPATH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Redpath in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2054-88

FRANKLIN L. MATTHEWS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Franklin L. Matthews in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2055-88

STEPHEN L. DISIERE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen L. Disiere in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2056-88

DENNIS CASAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Casay in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2057-88

MICHELLE McDUFFY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michelle McDuffy in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1988,

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2058-88

BERT EVANS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bert Evans in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2059-88

NICHOLAS PASQUARIELLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicholas Pasquariello in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2060-88

ZELMA RUSSELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zelma Russell in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2061-88

BARBARA F. BATES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara F. Bates in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2062-88

DENISE FIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Denise Field in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2063-88

KURT STEVENSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kurt Stevenson in the sum of \$47.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2064-88

ROSA L. DA ROSA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosa L. Da Rosa in the sum of \$40.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2065-88

REBECCA V. IVY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rebecca V. Ivy in the sum of \$25.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Closed session, no vote taken.

(a) PUBLIC COMMENTS

Mr. John Crew in addressing the Commission at this time said that the Grand Jury that was convened to consider criminal indictments in the Bush Demonstration, instead, made crowd control recommendations. He said in any event there is more material on the Commission Agenda and he just wanted to inquire if the Commission were contemplating more Public Hearings or if people who had comments should put them into the Commission in writing in terms of what their particular recommendations are or if the Commission has even had a chance to consider how that material will be incorporated into this ongoing process.

Commissioner Nelder advised that the Commission will entertain anything that is submitted but they are still in the process of looking into the entire project and will make recommendations at a future date which will be at a Public Hearing.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he would defer discussion on his item because of the lengthy calendar until the Commission gets through part of the major portion of the 12th item.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC said they had nothing to report this evening.

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION FORMALLY ACCEPT ON BEHALF OF THE CRIME LAB FUND TITLE TO THE FOLLOWING ITEMS:

- 1) Electrostatic Detection Apparatus
- 2) Argon-Ion Laser
- 3) Computer Image Enhancement System
- 4) Graphics Oriented Computer

"Members of the Police Commission, Chief Frank Jordan, now is a time when you people are getting so much critism I think that you will be pleased to know that a small but dedicated group of people are here to try to show their appreciation for the work of the Department by donating the items of equipment which your Secretary has just read. I am the Secretary of the Crime Lab Fund, my name is Mary Moran Pajalich. Our group includes dedicated Police Officers, the Coroner, the Chief Adult Probation Officer, a member of the District Attorney's Staff, several lawyers, merchants, business people and a former Judge. About eleven (11) years ago we were shocked to learn that because of budgetary restrictions an internal apathy crime scene investigations were seriously impaired by a fingerprint system which dated back to the horse and buggy days and also by lack of the most minimal equipment. I understand that officers had to buy fingerprint powder out of their own pockets. Our groups was instrumental in getting an initiative before the voters and I may say Commissioner Nelder that if it hadn't been for Supervisor Wendy Nelder I don't think we would have gotten it on the Ballot. But we did get it on the Ballot and it passed overwhelmingly and the City was the first in this country to have a state of the art Fingerprint Computer. Due to the excellent results that were achieved other states followed and ultimately the State of California has provided itself with a similar system because of the good work done here. Other technological equipment became available which was listed by Lieutenant Frazier and was brought to our attention by Sergeant Kenneth Moses whose superb performance in the crime scene investigations unit has brought national recognition to your department and to him. Your Secretary has handed you a bill of sale from the crime lab fund for the items of equipment we are transferring to you tonight, the total value of which is \$39,925.00. You also should have before you a list of grants amounting to \$36,398.00 which we have made to your department for training making a total donation of \$76,273.00. I am sure you will, members of the Police Commission and the Chief, want to see a demonstration of this equipment which has made your crime scene investigations unit the best in the United States. Thank you."

Commissioner Nelder: "Before you go Judge Pajalich, I want to take this opportunity to commend your Committee. I am well aware of your efforts and I am also well aware that the Police Department can function much better if they have the technological assistance which you are providing and certainly the Fingerprint Computer has proven that. Commissioner Medina was at the crime last week and he spoke to some of the people and he was very impressed and he called it to my attention."

Commissioner Medina: "Commissioner Nelder, at this time, I would like to move acceptance on behalf of the San Francisco Police Department of the High Technology Crime Investigation Equipment from the Crime Lab Fund and I would also like to take the opportunity to commend the Board of Directors of the Fund for their past and continuing efforts in assisting the Department in obtaining its goal making our city a safer place to live and in that regard after the motion is seconded I would like to present a certificate.

Commissioner Lee then seconded the motion and it was unanimously approved.

Commissioner Medina then presented on behalf of the Police Commission to Judge Pajalich a Police Commission Certificate of Appreciation.

Judge Pajalich said that on behalf of the Board of Directors of the Crime Lab Fund that they were most pleased to accept it and that they are going to keep up the good work.

Police Chief Frank Jordan said that he wanted to also congratulate Judge Mary Moran Pajalich and the entire Committee too as well, because through the effort they took upon their own, seeing that there was a need here, and reached out in terms of the cries for help that the SFPD had, in terms of the technology material and equipment that the Crime Lab needed, they came forward to help. He said, so, he just wanted to personally congratulate each and everyone of them and thank them for their support.

RESOLUTION NO. 203-88

AUTHORIZING ACCEPTANCE ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT OF CERTAIN HIGH TECHNOLOGY CRIME INVESTIGATION EQUIPMENT FROM THE CRIME LAB FUND, INC. AND COMMENDING THE BOARD OF DIRECTORS OF THE FUND FOR THEIR PAST AND CONTINUING EFFORTS IN ASSISTING THE DEPARTMENT IN ATTAINING ITS GOAL OF MAKING OUR CITY A SAFER PLACE TO LIVE

WHEREAS, the Board of Directors of the Crime Lab Fund were the first citizens in our city to recognize the enormous potential of an automated fingerprint system, and that they did thereafter work tirelessly to make that system a reality, and

WHEREAS, the automated fingerprint system has led to the arrest and successful prosecution of over 2,000 criminal offenders, thereby contributing significantly to a 26% drop in burglaries in its first three years of operation, and

WHEREAS, the Crime Lab Fund has continued in its efforts to provide the department with the most up-to-date training in the area of forensic science by sponsoring courses for twenty members of the

Criminalistics Division and Crime Scene Investigations Unit in the fields of advance blood grouping, blood spatter interpretation, crime scene reconstruction, and fingerprint detection techniques, and

WHEREAS, the Fund has donated to the San Francisco Police Department the latest in high technology forensic science equipment including an argon-ion laser, an image enhancement system, an electrostatic detection apparatus, and a courtroom graphics computer, and

WHEREAS, it is necessary for a resolution by the Police Commission to authorize the acceptance of such gifts; the value of said gifts requires approval of the Board of Supervisors pursuant to Administrative Code Section 10.116; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept on behalf of the San Francisco Police Department those items of equipment listed above, and pursuant to Administrative Code Section 10.116 request approval of the Honorable Board of Supervisors; now therefore be it further

RESOLVED, that the San Francisco Police Department is hereby authorized to accept the generous donation by the Crime Lab Fund of an electrostatic detection apparatus, an argon-ion laser, a computer image enhancement system and a graphics oriented computer.

AYES: Commissioners Lee, Nelder, Medina, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2035-88

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$222,196 TO PAY OVERTIME FOR WEEKEND REBOOKINGS

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$222,196, which will appropriate funds from the Narcotics Forfeiture and Asset Seizure Fund for Police Overtime, so that the Police Department may comply with a court order requiring the rebooking or release of felony suspects within 36 hours of arrest.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 2036-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Dennis M. Costanzo, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Dennis M. Costanzo be set for December 7, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Dennis M. Costanzo is set for Wednesday, December 7, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

PUBLIC HEARING ON PUBLIC CONVENIENCE AND NECESSITY
FOR THE ISSUANCE OF ADDITIONAL TAXICAB PERMITS

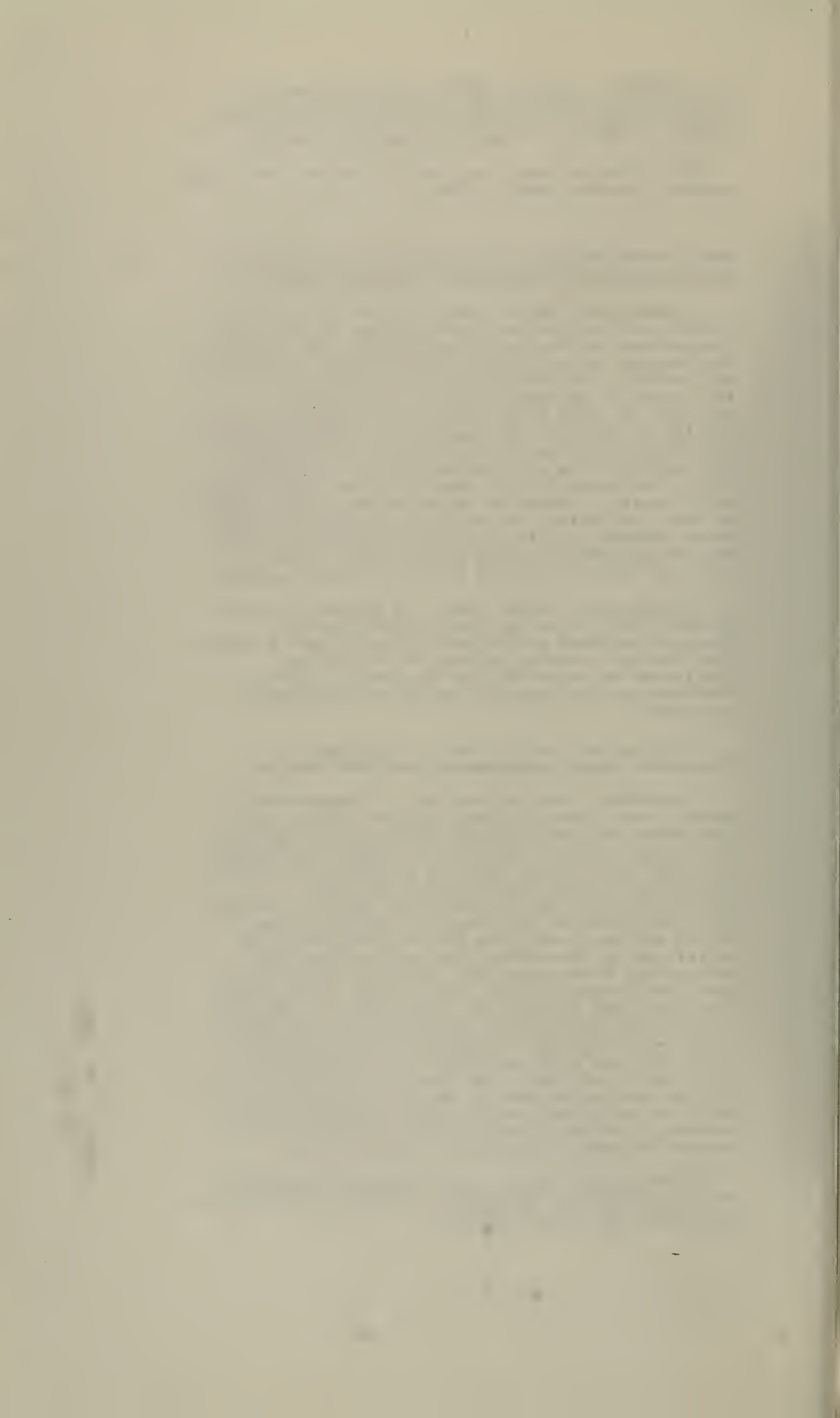
Commissioner Nelder said he would like to make a comment on the next two items and one is the Public Convenience and Necessity Hearings and the other is the Hearing on two former Police Officers Balestreri and Hession. He then called for a show of hands on the number of speakers present for the PC&N Hearing. He said there are quite a number of people wanting to speak so the Commission will proceed in this manner and that is to hear the PC&N for one hour and if it is not completed by that time then it will be re-scheduled for completion so that everyone will receive a chance to speak to the issue. Then, he said, the matter of the former Officers will be heard immediately after and he (Commissioner Nelder) will be excused from that hearing based upon the fact that he participated in the original hearing.

Commissioner Medina then said one other matter he would like noted and that is next week is Thanksgiving Week and he would like to make a motion that the next regular meeting of the Police Commission be scheduled for November 30, 1988. Commissioner Lee seconded and it was unanimously approved.

Commissioner Nelder then advised that the Commission would now commence the PC&N Hearing.

Lieutenant Frank Wilson from the Department's permit section said he would like to advise the Commission that they, in the Permit Division, have been doing extensive studying in regard to the Taxi Cab Industry over the last few months specifically addressing the problem that they had with Proposition P in its attempt to be passed. He said they were involved with the City Attorney John Morris who was re-writing the Ordinance which is Article 16 of the Police Code and now that the Proposition P situation has ended and it did not pass, the Permit Division are looking at the idea that there are sections of Article 16 that do have to be re-written that would not impact or muddle around with anything Proposition K had. He said since they are short of Staff in his division it will take a lot longer for them to generate a report for the Commission than it was able to do in the past. He said they would attempt to give the Commission on-going monthly reports to keep them abreast of what is going on in the industry.

Commissioner Nelder then requested Lieutenant Frazier to give an overview of the Police Commission procedures for these hearings.



Lieutenant Frazier: "For all those present this is a brief explanation of what the Police Commission procedures have been for holding Hearings on Public Convenience and Necessity for Taxicab Permits. Each person who so desires has an opportunity to sign up as a speaker. When signing up you must indicate that you are for the issuance of more Taxi Permits or against the issuance of more Taxi Permits. The Commission has always stressed that each individual be allowed to speak freely to the issue whether we all agree or disagree and we request that you refrain from any comments during the time a speaker is in the process of putting forth his arguments on the issue. We are asking that everyone cooperate with this procedure in order to insure that every person who has signed up to speak will have an opportunity to do so. The speaking time allotted to each speaker is discretionary by the Commission but at this time a limit of three (3) minutes for each speaker will be granted. You are further advised that this does not deprive you of submitting your comments in writing to the Commission either now or later which will become part of the record for the Commission to review. The Commission will listen to both sides of the issue and consider the evidence that is presented for review. The Department will also be asked to come in with specific recommendations and evidence for the Commission to consider. Further consideration and deliberation may be undertaken by the Commission before a final decision on the issue is made. This then, in essence, is the procedure the Commission will follow for its hearings on Public Convenience and Necessity for Taxicab Permits."

Lieutenant Wilson then said he had one more thing he would like to present to the Commission. He said it is a graphic design put together by Officer Flanders showing graphically the separation of the Taxicab Industry into radio dispatched cabs and non-radio dispatched cabs, who the radio companies are and how many cab companies are under each one of those radio dispatch companies and then how many medallions and permits are within each one of those companies. He said there are presently 811 medallions authorized and there are six (6) that are not operating. He said four (4) will be coming to the Commission within the next few weeks to request revocation because of deaths of the holders and two that have been in litigation and they will be coming also in regards to a City Attorney's Opinion on that litigation. He said out of the 811 authorized medallions there are 42 non-radio dispatched cabs in the city. 132 are held in corporate structure and 679 that are held individually.

Lieutenant Frazier then said there are approximately seven (7) people signed up to speak at this time but that the sign up sheet is still being passed around.

The speakers were as follows:

Mr. Joe Mirabile,	
Veterans Cab Driver	No additional permits
Mr. Jwein, Allied Cab Company	More cab permits
Mr. George England	More cab permits
Mr. Mike Sealy,	
Yellow Cab Driver	No additional permits
Mr. Richmond Lowensohn,	
United Taxicab Workers Union	No additional permits

Mr. Rogers A. Gaspar,	
Cab Driver	No additional permits
Mr. George Lancia	More cab permits
Mr. Arthur Lempke,	
Yellow Cab Driver/Owner	No additional permits
Mr. Gus Insulin	More cab permits
Mr. Robert E. Richardson,	
Local 265	No additional permits
Letter read into record	
by Mr. Yossedek Desta	More cab permits
Ms. Rua Graffis, Cab Driver	No additional permits
Mr. David Kiley	More cab permits
Mr. Joe Varsi	No additional permits
Mr. Djanni	More cab permits

Commissioner Nelder said the Commission would now conclude this portion of its Public Convenience and Necessity Hearing and continue it to December 14, 1988 and it is felt the Commission will be able to conclude it at that time. He thanked everyone and advised that if they have any suggestions they were not precluded from putting them in writing and submitting them to the Commission or the Taxi Detail. (The entire hearing was taken in shorthand form by CSR, Linda Pransky)

HEARING PURSUANT TO A SUPERIOR COURT ORDER FOR
FORMER OFFICERS PETER BALESTRERI AND JOSEPH M.
HESSION

The hearing pursuant to Superior Court Order No. 831-783 for former Police Officers Peter Balestreri and Joseph M. Hession was called, it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Peter Balestreri appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Joseph M. Hession appeared in person and was represented by Mr. Melvin M. Bell, Sr., Mr. Paul Monzione and Ms. Sheila Crist, Attorneys at Law.

An opening statement was made by Mr. John Prentice for Mr. Peter Balestreri.

An opening statement was made by Mr. Paul Monzione for Mr. Joseph M. Hession.

An opening statement was made by Mr. Michael Gash for the San Francisco police Department.

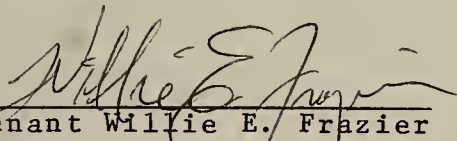
The following witnesses appeared for the Defense, were sworn and testified:

Mr. Joseph Hession
Officer Michael Gannon, Company F
Mr. Kevin Bernie, Walnut Creek, California

The hearing was then continued to Monday, November 28, 1988 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

The meeting, thereafter, was adjourned at 10:56
PM.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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Minutes

NOVEMBER 28, 1988

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Monday, November 28, 1988 at 1700 hours in a Special Meeting.

Commissioner Medina presiding.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

DOCUMENTS DEPT.

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HEARING PURSUANT TO A SUPERIOR COURT ORDER FOR
FORMER POLICE OFFICERS PETER BALESTRERI AND JOSEPH
M. HESSION

The hearing pursuant to Superior Court Order No. 831-783 for former Police Officers Peter Balestreri and Joseph M. Hession was called, it having been continued from the meeting of November 16, 1988.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Peter Balestreri appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Joseph M. Hession appeared in person and was represented by Mr. Melvin M. Belli, Sr. and Mr. Paul Monzione, Attorneys at Law.

The following witnesses appeared for the Defense, were sworn and testified:

Mr. Peter Balestreri, 1075 View Way, Pacifica, CA
Father Anthony Sauer, St. Ignatius
Sergeant Joseph Allegro, Central Station

Closing statements were made by Mr. Michael Gash, Mr. John Prentice and Mr. Melvin M. Belli, Sr.

It was the recommendation of the Chief of Police Frank M. Jordan that former Police Officers Peter Balestreri and Joseph M. Hession not be reinstated.

The Commission took the matter under submission and returned with the following decision and findings:

RESOLUTION NO. 2066-88

DECISION AND FINDINGS

WHEREAS, the hearing pursuant to Superior Court Order 831-783 for former Police Officers Peter Balestreri and Joseph M. Hession was heard, and

WHEREAS, the Commission, having read the transcripts from the previous hearing, and pursuant to Superior Court Order 831-783 allowed former Police Officers Peter Balestreri and Joseph M. Hession to testify along with character witnesses and consistent with the recommendation of the Chief of Police Frank M. Jordan, the Commission makes the following findings of facts:

- (1) The Commission adopts its previous findings as set in Resolutions No. 600-84 and No. 601-84 and incorporates those findings herein.
- (2) On April 26, 1984, Officers Peter Balestreri and Joseph M. Hession were asked by members of the 156th Recruit Class to provide a prostitute for their graduation party.
- (3) On April 26, 1984, Officers Balestreri and Hession, while on duty, approached Ms. Barbara Tribbett, a known prostitute, and brought her to the graduation party at the Rathskeller.
- (4) On May 1, 1984, Officers Balestreri and Hession were untruthful in their responses to questions asked by the Management Control Division.

and

WHEREAS, based on the evidence adduced from the hearings in this matter, the Police Commission concludes that the conduct of Officers Balestreri and Hession on April 26, 1984, violated Rules A-9 and A-21 of General Order D-1 of the San Francisco Police Department;

therefore be it

RESOLVED, that it is the decision of the Police Commission, after having carefully reviewed the transcripts of

the previous Police Commission proceedings in regard to this matter and after listening to the testimony of both Mr. Balestreri and Mr. Hession and witnesses on their behalf, to sustain the previous Police Commission decision of termination.

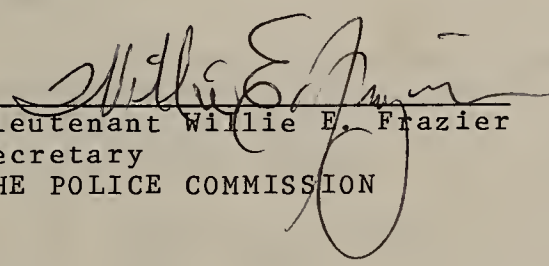
AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

Recesses taken during the hearing of former Officers Balestreri and Hession:

6:37 p.m. to 7:05 p.m.

8:20 p.m. to 8:50 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes
NOVEMBER 22, 1988

SPECIAL MEETING

188 The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Tuesday, November 22, 1988 at 1000 hours in a Special Meeting.

Commissioner Nelder presiding.

DOCUMENTS DEPT.

AYES: Commissioners Lee, Medina, Nelder
ABSENT: Commissioners Giraudo, Orr-Smith

MAR 13 1989

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HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL
INFORMATION DIVISION, WARRANT BUREAU

The hearing of the disciplinary charges filed against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, was called it having been set for this date. Police Officer John A. Haggett was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of General Order F-4 (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer John A. Haggett appeared in person and was represented by Mr. J. William Conroy, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. J. William Conroy for the Defense. Mr. Conroy entered a plea of not guilty to both charges on behalf of Officer Haggett.

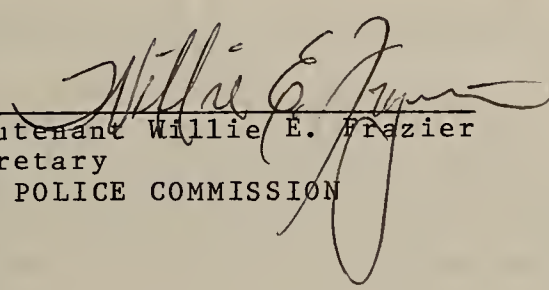
The following witnesses appeared for the Prosecution, were sworn and testified:

Mr. Matthew O'Leary, 750 Jersey Street
San Francisco, CA
Mr. Dennis M. Callahan, Jr., Greyhound
Mr. Jerry Shear, McAteer High School
Mr. James O'Malley, 1303 Fell Street
San Francisco, CA

The hearing for Police Officer John A. Haggett was then continued to Wednesday, November 30, 1988 at 10:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder,
ABSENT: Commissioners Giraudo, Orr-Smith

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates)



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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Minutes
NOVEMBER 30, 1988

SPECIAL MEETING

The ~~Police~~ Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, November 30, 1988 at 1000 hours in a Special Meeting.

Commissioner Nelder presiding.

DOCUMENTS DEPT.

AYES: Commissioners Lee, Medina, Nelder
ABSENT: Commissioners Giraudo, Orr-Smith

MAR 13 1989

SAN FRANCISCO
PUBLIC LIBRARY

HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL
INFORMATION DIVISION, WARRANT BUREAU

The hearing of the disciplinary charges filed against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, was called it having been continued from the meeting of November 22, 1988. Police Officer John A. Haggett was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of General Order F-4 (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer John A. Haggett appeared in person and was represented by Mr. J. William Conroy, Attorney at Law.

The following witness appeared for the Prosecution, was sworn and testified:

Mr. Dan Silva, Chief Investigator,
Office of Citizen Complaints

The following exhibits were entered into evidence by the Prosecution:

- #1 Incident Report #870405747 dated 4/11/87, subject: Battery on a P.O. - Drunk in Public
- #2 Documents - Letter to San Francisco General requesting medical records and records received and attached
- #3 Documents - Letter from OCC to Kaiser Medical Center requesting medical records and medical records received and attached

- #4 Two color photos of Mr. O'Leary, right profile and frontal with SFPD #427753, 4/11/87
- #5 Tape recording of interview between Officer Haggett and Ms. Araceli Matus, OCC

The following witnesses appeared for the Defense, were sworn and testified:

Officer Michael J. Niland, Company H
Sergeant Donald I. Hensic, Company H
Officer John Haggett, Warrant Bureau
Lieutenant Christopher Weld, Technical Services Bureau

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, concluding that Specification No. 1 is sustained and Specification No. 2 is not sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Specification No. 1, Officer Haggett be given 90 days suspension.

The Commission again took the matter under submission, and the following resolution was adopted:

RESOLUTION NO. 2067-88

DECISION - HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL INFORMATION DIVISION, WARRANT BUREAU

WHEREAS, on April 5, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer John A. Haggett; and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

- (1) At all times herein mentioned, John A. Haggett, Star No. 16, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Criminal Information Division - Warrant Bureau;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about April 11, 1987, at approximately 0100 hours, the accused and Officer Michael Niland, Star No. 553, while on duty and in plain clothes, responded to the area of 3762 Army Street regarding a possible fight;

- (4) Officer Niland and the accused were in plain clothes attire. They approached a group of individuals who were near the stairs at 3762 Army Street. As the group began talking with Officer Niland, the accused approached and ordered the group to sit down. One individual did not immediately comply with this order and the accused pushed him in the chest;
- (5) On or about April 11, 1987, at approximately 0100 hours in the area of 3762 Army Street, the accused pushed an individual in the chest. The individual tried to grab the accused's shirt to brace his fall. The accused then struck this individual in the face approximately two (2) times with a PIC radio breaking this individual's nose;
- (6) The individual who the accused struck in the face had recently been involved in a motor vehicle accident and had broken his hip. The individual did not strike or attack the accused prior to the accused striking him in the face with a PIC radio;
- (7) The accused, by striking an individual in the face with a PIC radio, at least two (2) times without cause, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of General Order F-4 (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department).

- (8) The allegations contained in Specification No. 1, paragraphs (1) through (7), are incorporated by reference as if fully set forth herein;
- (9) On or about September 30, 1987, the accused was interviewed by an investigator from the Office of Citizens Complaints ("O.C.C.");
- (10) When questioned by the O.C.C. investigator about his knowledge of General Order F-4 of the San Francisco Police Department, the accused responded that he was not familiar with General Order F-4 (Use of Force). When questioned about specific portions of the General Order, the accused responded

that the General Order is "An opinion written by people that don't work in the street any more";

- (11) The accused, by not being familiar with General Order F-4 of the San Francisco Police Department, has failed to acquire and maintain a working knowledge of information which is required of him to properly perform his duties as a police officer in violation of Rule A-7 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall acquire and maintain a working knowledge of all information required for the proper performance of their duties."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, November 22, 1988 and Wednesday, November 30, 1988, and on Wednesday, November 30, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer John A. Haggett are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1 [penalty]
90 days suspension

and be it further

RESOLVED, that said suspension of ninety (90) calendar days is to be imposed commencing Thursday, December 1, 1988 at 0001 hours and ending Tuesday, February 28, 1989 at 2400 hours.

AYES: Commissioners Lee, Medina, Nelder
ABSENT: Commissioner Giraudo, Orr-Smith

Recesses taken during the hearing of Officer Haggett:

10:47 a.m. to 11:00 a.m.
12:00 noon to 3:30 p.m.
4:55 p.m. to 5:08 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

NOVEMBER 30, 1988

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall

of Justice, 850 Bryant Street on Wednesday, November 30, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

APPROVAL OF MINUTES OF MEETING OF AUGUST 31, 1988

Approval of Minutes of Meeting of August 31, 1988, the Commissioners having received, approved, and returned copies of same.

At this time, Commissioner Giraudo announced that there was another Special Meeting scheduled for the Commission this afternoon at 4:00 PM but because of the time the first meeting took to complete it has now been re-scheduled to be heard after the regular meeting matters.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claim against City and County of San Francisco:

RESOLUTION NO. 2075-88

J. LYNN RAMSEY vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of J. Lynn Ramsey in the amount of \$500.00 in Superior Court No. 872-687 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that there was no Police Commission report this evening.

(a) PUBLIC COMMENTS

There were no Public Comments made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had one item and that was to report on the 10th Anniversary of the Death of Mayor George Moscone and Supervisor Harvey Milk. He said it is in regard to the Candlelight Vigil and March that took place Sunday evening. He said he personally observed it and there were approximately 12,000 to 15,000 people and it was handled very well in terms of monitoring by Community United Against Violence and Civilian Monitors who assisted. He said the Department had its officers there,

Solo/Motorcycle Officers escorting along with Mission Officers down Market Street and interacting with Northern Officers and Tactical Officers at City Hall. He said everything was handled very well by all parties involved and he wanted to compliment all those who were involved in the process, the Police Department Officers as well as the monitors and the civilians who put on the program.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer said the OCC had nothing to report tonight.

CHIEF'S RESPONSE ON RECOMMENDATIONS FOR IMPROVING SAN FRANCISCO POLICE DEPARTMENT CROWD CONTROL PROCEDURES AND POLICIES

Chief Frank Jordan said he had a comment he would like to read as this particular issue is one that the Department has been working on very diligently and spending many, many hours reviewing and discussing Crowd Control Policies and Procedures. He said during his presentation last month he presented some of the topics that are still under review. He said items like psychological review, civilian monitors at all different demonstrations, Office of Citizen Complaints to monitor and video-tape any and all demonstrations that take place. He said in addition they have studied the Grand Jury Report and Management Control Investigations he said they have also reviewed recommendations presented by the public. He said these documents have raised many issues the resolutions of which may involve changes in working conditions for San Francisco Police Officers. He said this of course involves the necessity of having to meet and confer with the Police Officers Association. Basically, he said, what he would like to say now is that he has not had enough time to finalize this proposal. He said he request the Commission's indulgence in allowing him to delay presenting the Department's Proposal to them until such time as all of the details have been worked out. He said it would obviously be in everyone's best interest if he could make a complete and final presentation to the Commission rather than presenting it piece meal. He said he would therefore request that the matter be put off until Wednesday, December 14, 1988, if at all possible in that way he said, he felt that he could handle it and have it done once and for all.

Commissioner Giraudo in questioning the Chief asked if he was saying December 14, which is approximately two (2) weeks hence.

Chief Frank Jordan said in that period of time he expected to have conferred with the POA over some changes in possible working conditions.

Commissioner Giraudo said the Commission had said that if it had the recommendations tonight it would probably take another three (3) weeks, he believed, to review it. He said this would also give all of the Commissioners time to review current training procedures of the Tactical Division.

Commissioner Giraudo said the Commission could hear the Chief's proposal on the 14th and hear comments to that on the same evening from Community Groups and then on the 28th, if everyone is here, a discussion by the Commission on the issue.

Mr. Lester Armstead Rose, representing CUAV (Community United Against Violence) said that he would request, because of the Holidays and the large public interest, that the 28th not be the final date.

Commissioner Giraudo said that the Commission would therefore schedule it for the 4th of January 1989 after the Chief's recommendations on the 14th of December. Public Comment on the 4th of January and perhaps the next week the Commission could vote on the recommendations.

Mr. Crew said having no idea what the Chief's recommendations may be on the 14th, if they (Crew, CUAV, NLG, Public) cannot respond on the 14th, they would like to have five (5) minutes on the 21st of December. He said then on the 4th they could hear what the Commission is thinking about.

Commissioner Giraudo said that that sounds fine and requested a motion to that effect. Commissioner Medina said he would make a motion for those dates, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 2073-88

RESETTING OF DATE FOR HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR TAXICAB PERMITS

WHEREAS, the date for the resetting of the date for a hearing on Public Convenience and Necessity for Taxicab Permits was called, it having been scheduled for this date; and

WHEREAS, it was requested by the Police Commission that the date for the hearing on Public Convenience and Necessity for Taxicab Permits be reset for December 21, 1988; therefore be it

RESOLVED, that the date for the hearing on Public Convenience and Necessity for Taxicab Permits is reset for Wednesday, December 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2074-88

HEARING OF POLICE OFFICER ANTHONY J. CARREON, TACTICAL DIVISION, DOG UNIT

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Anthony J. Carreon, Tactical Division - Dog Unit, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Raymond P. Roberts, Attorney at Law, representing Officer Carreon, that the date for the hearing be continued to Wednesday, January 25, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer

Anthony J. Carreon, Tactical Division - Dog Unit, is continued to Wednesday, January 25, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2068-88

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0673 HELD BY JAMES TROMBLEY

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #T-0673 issued to James Trombly was called, it having been set for this date; and

WHEREAS, the death of Mr. James Trombley has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0673 issued to James Trombley.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2069-88

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0305 HELD BY JOHN K. JOSEPH

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #T-0305 issued to John K. Joseph was called, it having been set for this date; and

WHEREAS, the death of Mr. John K. Joseph has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0305 issued to John K. Joseph.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2070-88

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0607 HELD BY CARLOS E. MOON

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #T-0607 issued to Carlos E. Moon was called, it having been set for this date; and

WHEREAS, the death of Mr. Carlos E. Moon has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0607 issued to Carlos E. Moon.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2071-88

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0491 HELD BY SALVATORE SANFILIPPO

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #T-0491 issued to Salvatore Sanfilippo was called, it having been set for this date; and

WHEREAS, the death of Mr. Salvatore Sanfilippo has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0491 issued to Salvatore Sanfilippo.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF ISSUANCE OF A TAXICAB MEDALLION PERMIT TO WILLIAM J. NORTON

Sergeant Gary Manini appeared before the Commission on this item and the previous four (4) items. He said in this case the applicant has met all regulatory requirements for issuance of a Certificate of Public Convenience and Necessity for a Taxi Permit. He said if granted, Mr. Norton intends to associate his permit with the Yellow Color Scheme which is Radio Dispatched. He said based on those findings, the Department believes this applicant is financially responsible and will maintain proper financial records. Mr. Norton was then sworn in by Lieutenant Frazier. Mr. Norton then presented evidence to the Commission in support of his application for issuance of the Taxi Permit. After responding to Commissioner Nelder's questions satisfactorily, the Commissioner made a motion to approve Mr. Norton's application. It was seconded by Commissioner Lee and unanimously approved.

RESOLUTION NO. 2072-88

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A TAXICAB MEDALLION PERMIT TO WILLIAM J. NORTON

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of

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BY [illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, William J. Norton appeared at a Public Convenience and Necessity hearing held on Wednesday, November 30, 1988; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, November 30, 1988, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that William J. Norton appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the

San Francisco Municipal Code, and shall be and is hereby granted to William J. Norton.

AYES: Commissioners Giraudo, Lee, Medina, Nelder Orr-Smith

STATUS REPORT ON SAN FRANCISCO POLICE DEPARTMENT'S FEDERAL CONSENT DECREE

Chief Frank Jordan said awhile back, the Commission had expressed an interest in receiving an update of the Mandated SFPD Consent Decree Department. He said he had the Coordinator for the Consent Decree present tonight, Ms. Kathleen Hurley who has members of her staff present also. Ms. Hurley said she was pleased to make the presentation to the Commission. She said the staff had put together a reference binder for the Commissioners covering all of the documents, the Legal Order, some of the history of the Consent Decree, some of the accomplishments and also to look at what is being done now and looking also to the future at some of the goals that they have for the Consent Decree. She said what they will attempt to do will give the Commissioners a brief overview of the history of the Consent Decree and then she would answer questions the Commission may have in that regard. She said what happened in the 70's was that they had six (6) years of litigation and a lot of frustration in a situation where the SFPD a very racially diverse city having only 14% of minorities on the force. She said the litigation culminated in 1979 with the signing of the Consent Decree. She said because of the racial makeup of the city they set certain goals such as creating a department staff specializing in handling examinations and recruitment matters. She said they limited recruitment to San Francisco and set entry level hiring goals so that each class over the 9 1/2 years would be 50% minority and 20% female. She said they set a promotional goal to

hire minorities in proportions to their presence in the pool. She said they hired 29 Chinese bi-lingual officers, because there was a need for them and they set up a special retention training class for women and minorities to keep them with the department after they had been hired. She then presented some graphs and charts to the Commission outlining some of the things the Consent Decree has been able to accomplish in terms of numbers. She said the Consent Decree is supposed to expire next year in March but the City plans to ask the Court that it not expire because there are still things that has to be done under the Consent Decree. She said these things are promotional obligations such as Captains, Sergeants, Lieutenants and especially Inspectors.

Commissioner Orr asked if Ms. Hurley had been able to calculate the percent of retention per ethnic group in the Department and how long they have been employed and how long they stay and how many are being lost.

Ms. Hurley said the Consent Decree did have some specific figures in that regard but she did not have them with her. However, she said she would certainly come back with a report for the Commission with those facts. She then also stated that the Consent Decrees work is not limited to what they are mandated to do but they try to do extra things if they can with limited resources.

Commissioner Orr said hiring, despite economic hardship, is without precedent under Consent Decree conditions. She said in Detroit, Michigan they did anyway and the City just had to go broke to meet its Consent Decree obligations and recently the Federal Judge over the SFFD Consent Decree, Judge Patel has done the same thing. She said she thinks that is commendable. She said she didn't know where the thinking is on how to do that with the SFPD but she felt it is certainly an avenue that perhaps should be explored in the interest of complying with the mandates of the Consent Decree and the spirit of the Department in that it certainly wants to comply. She said so lets not assume that all of the doors are closed simply because the piggy bank is empty.

The Commission then thanked Ms. Hurley for her report.

The Commission then returned to the item that was scheduled for a Special Meeting at 4:00 PM - The hearing on Disciplinary Charges against Patrick H. Miyagishima.

HEARING OF POLICE OFFICER PATRICK H. MIYAGISHIMA, COMMUNICATIONS DIVISION

The hearing of the disciplinary charges filed against Police Officer Patrick H. Miyagishima, Communications Division, was called it having been set for this date. Police Officer Patrick H. Miyagishima was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Patrick H. Miyagishima appeared in person and was represented by Mr. William Murphy, Attorney at Law.

An opening statement was made by Mr. William Murphy for the Defense. Mr. Murphy entered a plea of guilty on Specification No. 1 and Specification No. 2 as read by Lieutenant Willie E. Frazier, on behalf of Officer Patrick H. Miyagishima.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Miyagishima and was seconded by Commissioner Pius Lee, and was unanimously approved and accepted by the Commission.

An opening statement was not made by Mr. Michael Gash.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant James Baca, Management Control Division

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Copies of 2 Photos labeled A and B

Exhibit #2 Copies of 2 Photos labeled C and D

The following witnesses appeared of for the Defense, were sworn and testified:

Lieutenant Lawrence Minasian, Company E
Sergeant John R. Goldberg, Company E
Sergeant Steven P. Moroz, Company E
Sergeant Robert Puts, Company E
Officer Patrick H. Miyagishima, Company E

Closing statements were made by both Prosecuting and Defense Attorneys.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Patrick H. Miyagishima be terminated.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 2076-88

DECISION - HEARING OF POLICE OFFICER PATRICK H.
MIYAGISHIMA, COMMUNICATIONS DIVISION

WHEREAS, on October 11, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Patrick H. Miyagishima, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned Patrick H. Miyagishima, Star No. 2189 (hereinafter referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department. The accused is assigned to the Communications Division; however on October 4, 1988, at approximately 1200 hours, the accused was suspended pending the hearing of charges before the Honorable Police Commission;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about June 16, 1988, a female juvenile, identified the accused as a customer of a house of prostitution located at 3425 16th Street, San Francisco;
- (4) Between about June 1, 1987 and October 31, 1987 in San Francisco, the accused accomplished and act of sexual intercourse with a female, who at the time was under the age of eighteen (18) and not the wife of the accused;
- (5) The accused, on or about June 17, 1988, admitted to an investigating officer that he had been to the house at 3425 16th Street on 15-20 occasions to receive a massage;
- (6) The accused on or about June 17, 1988, admitted to an investigating officer that he believed a customer at 3425 16th Street could received sexual intercourse in return for money;
- (7) On or about October 4, 1988, the Grand Jury of the City and County of San Francisco indicted the accused for the felony violation of Penal Code Section 261.5;
- (8) The accused, by engaging in sexual intercourse with a female under the age of 18 who was not his wife, has engaged in conduct which constitutes violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

- (9) The allegations contained in paragraphs (1) through (8) of Specification No. 1 are hereby incorporated by reference, as if fully set forth herein;
- (10) Between about June 1, 1987 and about October 31, 1987, the accused, in the the City and County of San Francisco, participated in the act of oral copulation with a female under the age of eighteen (18) years;
- (11) The accused, on or about October 3, 1988, was indicted by the Grand Jury of the City and County of San Francisco for the felony violation of Penal Code Section 288a(b) (1);
- (12) The accused, by engaging in an act of oral copulation with a female under the age of eighteen (18) years, has engaged in conduct which constitutes violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 30, 1988, and on Wednesday, November 30, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and Specification No. 2 as preferred by the Chief of Police against Police Officer Patrick H. Miyagishima are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the

public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1) Termination
Specification No. 2)

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

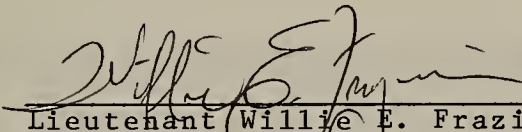
Recesses taken during the hearing of Officer Patrick H. Miyagishima:

7:20 p.m. to 7:28 p.m.

8:07 p.m. to 8:27 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

The meeting, thereafter, was adjourned at 8:30 PM.



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4697M

[MINUTES]

DECEMBER 7, 1989

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, December 7, 1989 at 1700 hours in a Special Meeting.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

DECEMBER 7, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, December 7, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

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APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 7, 1988

Approval of Minutes of Meeting of September 7, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 2083-88

WILLIAM CHU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Chu in the sum of \$2,024.52 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2084-88

JOHN MORESCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Moresco in the sum of \$1,248.89 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2085-88

YUET NOR CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yuet Nor Chan in the sum of \$752.47 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2086-88

YOSEMITE FROZEN FOODS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yosemite Frozen Foods in the sum of \$750.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2087-88

CARY M. CHAN vs. CITY AND COUNTY OF SAN FRANCISCO,
et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Cary M. Chan in the sum of \$750.00 entitled "Cary M. Chan vs. City and County of San Francisco, et al" in United States District Court No. C87-5215 DLJ as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 30, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2088-88

ROBERT P. MAES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert P. Maes in the sum of \$475.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 23 - August 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2089-88

LUXOR CABS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luxor Cabs in the sum of \$290.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2090-88

VICTOR FLORES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victor Flores in the sum of \$234.60 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2091-88

MANUEL BRITO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Manuel Brito in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2092-88

DAVID W. VOGET & YUKO FUKAMI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David W. Vogel & Yuko Fukami in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2093-88

MICHELE MERCHANT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michele Merchant in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2094-88

GREGG MICHAEL STEPHENSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregg Michael Stephenson in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2095-88

JOSEPH HARVARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Harvard in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2096-88

CITY TOW (MARK WALLON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Mark Wallon) in the sum of \$150.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2097-88

JIM McNEIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim McNeil in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2098-88

RENT-A-WRECK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rent-a-Wreck in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2099-88

GLENN BACKES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Glenn Backes in the sum of \$125.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2100-88

ERNEST L. HERRERA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ernest L. Herrera in the sum of \$125.00 as a result of damage sustained, be, and the same is hereby approved.

Date of Incident: July 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2101-88

MARGARET A. KENDRICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret A. Kendrick in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2102-88

KEVIN L. COSTELLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin L. Costello in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2103-88

LYNNETTA GUY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lynnetta Guy in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2104-88

KATHY YAMAKIDO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathy Yamakido in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2105-88

JAMES J. CURTIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James J. Curtis in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2106-88

COLIN & GERTRUDE REID

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Colin & Gertrude Reid in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2107-88

PAUL E. MATHIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul E. Mathis in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2108-88

NEIL D. FISHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Neil D. Fisher in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2109-88

ROBERT D. WRIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert D. Wright in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2110-88

SIDNEY M. ANCHONDO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sidney M. Anchondo in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2111-88

SAM BAMESBERGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sam Bamesberger in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2112-88

RAMON RUIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ramon Ruiz in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2113-88

BARBARA EMERY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Emery in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2114-88

MARION J. FALLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marion J. Falls in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2115-88

ROBERT HARMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Harms in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2116-88

GILDO CECILIOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gildo Ceciliot in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2117-88

DENNIS TOPRAC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Toprac in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2118-88

LINDA HAUGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Haught in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2119-88

SHANNON TROY FORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shannon Troy Ford in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2120-88

ELLIOT KRAMES, M.D.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elliot Krames, M.D. in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2121-88

TIM LUI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tim Lui in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2122-88

PETER SCARLET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Scarlet in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2123-88

LEONIE HOLZMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leonie Holzman in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2124-88

GRACE WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Grace Wong in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2125-88

ALBERN R. CIUDAD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albern R. Ciudad in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2126-88

REINA C. CARDONA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Reina C. Cardona in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2127-88

SCOTT GILBERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Gilbert in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2128-88

DENNIS KAPLAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Kaplan in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2129-88

LAURA IVANCICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura Ivancich in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2129-88

LEROY SAM LANE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leroy Sam Lane in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2131-88

VICTORIA KHADJENOURI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria Khadjenouri in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2132-88

KIRSTEN T. MELTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kirsten T. Melton in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2133-88

FRANK D. PRYNOR, III

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank D. Prynor, III in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2134-88

LT. K. KLECKNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lt. K. Kleckner in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2135-88

HELEN DUFFY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helen Duffy in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2136-88

GREGORY P. DUTIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory P. Dutil in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2137-88

RUBEN EMERY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruben Emery in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2138-88

JAMES FINCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Finch in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2139-88

SANDIE WERNICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandie Wernick in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2140-88

JOANA SPENCER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joana Spencer in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2141-88

DAULA G. RUSH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daula G. Rush in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2142-88

TRICIA JAMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tricia James in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2143-88

GERALD LEE LOLLOCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald Lee Lollock in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2144-88

TIMOTHY J. McGOWAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Timothy J. McGowan in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2145-88

ALMA PORLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alma Porley in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2146-88

MESCEILLE L. QUAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mesceille L. Quan in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2147-88

MARIA BRIGHTBILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Brightbill in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2148-88

MICHAEL J. BISHOP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael J. Bishop in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2149-88

CLAUDIO ARNARAL P. SILVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Claudio Arnaral P. Silva in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2150-88

RAMON C. CORTINES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ramon C. Cortines in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2151-88

ELIZABETH HAXTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Haxton in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2152-88

OKHOO HANES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Okhoo Hanes in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2153-88

RAYMOND KILROY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymond Kilroy in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2154-88

ELLEN L. LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ellen L. Lee in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2155-88

JONATHAN LIGHTFOOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Lightfoot in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2156-88

PARIS T. LOWHORN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paris T. Lowhorn in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2157-88

SILVIANO ACEVES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Silviano Aceves in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2158-88

McKINFLENE CRAWFORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of McKinflene Crawford in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met in Closed Session this afternoon and no vote was taken.

(a) PUBLIC COMMENTS

No public comments were made.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan said he had no new items to report other than what is on tonight's agenda.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC said that for the past two weeks several items had come up that he believes may have deluded public confidence in the OCC's process and he would like to bring it to the Commission's attention. He said as the Commission knows, several weeks ago, during one of their on-going investigations, information was requested from their files by the District Attorney's Office for the purpose of a Grand Jury Investigation of alleged police misconduct. During that investigation, he said, some of the people who had filed a complaint were treated less than good by the people of the Grand Jury. He said as a result of that they have voiced some reluctance about coming to the OCC to cooperate with the investigations. He said the second item that may cause a problem is that he believes in some instances there may be a lack of understanding of the people concerning the OCC process. He said the concern is that the process has suffered and so he wanted to bring it to the Commission's attention as he was not 100% sure of what can be done to counter some of these things. He said he did believe that there was a suggestion made that the District Attorney's Office receive something from the Police Commission in that regard. He said although the District Attorney's Office is not necessarily bound by anything from the Police Commission, he felt that if the Commission would take the position that people who were subpoenaed as a result of the OCC records were treated with more dignity and respect it might go along way with helping the OCC with resolving some of their problems.

Commissioner Giraudo said at least from his perspective, he did not feel that the Police Commission had any jurisdiction, authority or belonged anywhere in the realm of the District Attorney or the Grand Jury with respect to what they do or don't do with their process. He said he was sorry if that occurred but that is the process and he felt it is almost impossible for this Commission to speak to what goes on with the Grand Jury. He said in terms of sending of information to the SFPD from the OCC to the Chief of Police for the Chief to make a judgement with respect to discipline, he could only assume that the process is somewhat sacred and sacrosanct. He said he would hope that it is not something that is disseminated or published for the use of other people. He said without any real specifics it is very difficult to

take steps to prevent something from happening when he was not sure what it is that has happened. He said he could only say to the Chief that he would assume that the records that come over to him are confidential and privileged and are not given to anyone else other than those necessary to review the documentation.

Chief Frank Jordan said he did not know of any problem but he would be happy to assess the situation and get back to the Commission.

Mr. Michael Langer, in continuing his presentation, said that in line with the Chief's request last week for a continuance, he discuss his response and recommendations to the Crowd Control Proposals which evolved out of several investigations that the OCC would recently concluded. He said they formulated eight (8) Policy Recommendations which they are planning on putting in their quarterly report. He said they will go over them very briefly and he has also furnished a copy to the Chief.

1. That the Department develop written policies in the form of General Orders or Training Bulletins for the use of the 36" baton.
2. That the San Francisco Police Department establish a written policy prohibiting members from striking persons in the back and establishing as appropriate target zones, the buttocks and legs.
3. That the San Francisco Police Department establish a written policy for the use of escalating force similar to the process used on September 14, 1988, and that it establish appropriate commands for squad supervisors.
4. That the San Francisco Police Department investigate the use of transparent shields similar to those used by the police forces in Korea and other countries for use in moving crowds.
5. That the San Francisco Police Department develop better guidelines for the committment of adequate personnel and equipment for demonstrations which have the potential for violence.
6. That the Department re-evaluate its procedures for the provision of escape routes and develop written policies for the designation, provision and maintenance of those routes, to designate the person or persons whose responsibility it is to do so, and to ensure that individuals have adequate opportunity to use those routes.
7. That the Department is strongly encouraged to develop psychological and stress testing for applicants to all special units of the department, especially Tactical and Special Operations.
8. That each type of baton strike which is authorized by the Department, including any strike related to the maintenance of barricades at demonstrations, be delineated in the General Orders or Training Bulletins.

The Commission then thanked Mr. Langer and called for the next item.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Lee who was Chairman of the Awards Committee when it met made a motion to continue this item for one week. Commissioner Nelder seconded and it was unanimously approved for continuance to next week's agenda.

PUBLIC HEARING ON NEW DEPARTMENT GENERAL ORDER D-21, "PEER COUNSELING PROGRAM"

Deputy Chief Willis Casey said this is changing from a Department Special Order to a Department General Order. He said the Special Order has been in effect for about two years now and it is felt that it should be a permanent part of the Police Department.

Inspector Morgan Peterson then gave the Commissioners a brief overview of the program. Commissioner Nelder said he would make a motion for approval, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 2078-88

NEW DEPARTMENT GENERAL ORDER D-21, "PEER COUNSELING PROGRAM"

RESOLVED, that the Police Commission hereby adopts the new Department General Order D-21, "Peer Counseling Program".

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2077-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER RANDALL P. KOCHER, SOUTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Randall P. Kocher, Southern Station as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Being intoxicated while on duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Randall P. Kocher, Southern Station, is scheduled for Wednesday, December 14, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER RAYMOND E. WEST, MEDICAL LIAISON

Mr. James Collins, Attorney for Officer Ray West said that he had spoken to Mr. Michael Gash and the Chief and he is requesting the Commission to allow this to be continued to January 25th, 1989, as he would represent to the Commission, if that would be the date, that Officer West will be resigning. Commissioner Nelder said he would make a motion for approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 2080-88

HEARING OF POLICE OFFICER RAYMOND E. WEST, MEDICAL LIAISON

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Raymond E. West, Medical Liaison, was called it having been set for this date; and

WHEREAS, it was requested by Mr. James P. Collins, Attorney at Law, representing Officer West, that the date for the hearing be continued to Wednesday, January 25, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Raymond E. West, Medical Liaison, is continued to Wednesday, January 25, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2079-88

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER ANTHONY J. CARREON, TACTICAL DIVISION, DOG UNIT

WHEREAS, Police Officer Anthony J. Carreon, Tactical Division, Dog Unit, was suspended without pay on September 6, 1988, pending hearing of charges before the Police Commission; and

WHEREAS, Officer Anthony J. Carreon has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Anthony J. Carreon, Tactical Division, Dog Unit, be placed on Leave of Absence Without Pay at his request for a period of 57 days commencing November 30, 1988 through January 25, 1989, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING ON RELINQUISHMENT OF PATROL SPECIAL BEAT #57
FROM PATROL SPECIAL OFFICER LOUIS SAMANA TO THE
PREVIOUS OWNER FORMER PATROL SPECIAL OFFICER LARRY
HEAP

Sergeant Gabriel Harp said that he recommended to Officer Samana approximately two (2) months ago to direct a report to the Police Commission. He said Mr. Samana did not send the report but did send a memo to him (Sgt. Harp) which is undated and which was received on the 1st of August in which Samana states that he was relinquishing the Beat to the former Beat Owner Mr. Larry Heap. After further discussion Commissioner Giraudo said he would be reluctant to take the property away from Mr. Samana under the circumstances presented. Commissioner Nelder said he would make a motion to have the matter submitted to the City Attorney for clarification and direction. Commissioner Medina seconded and it was unanimously approved. (A City Attorney's Opinion has been requested in this matter.)

HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR THE
OPERATION OF JITNEY BUSES

Lieutenant Wilson from the Permit Division addressed the Commission on this item and said this was the third meeting on the Jitney Bus Operation dilemma. He said in the prior meetings they had made some recommendations to the Commission and the last one was made in light of some of the insurance reforms that might effect the Jitney Industry on the November Ballot. He said now the recent passage of Proposition 103 Insurance Initiative has put the insurance industry up in the air. He said they do know that at the present time assigned risk has gone up to \$16,000.00 a year for a Jitney Bus which is a substantial increase and another burden on the Jitney operators. He said in the past the Permit Division had asked the Commission to leave the matter in limbo for the past two years. He said they have put together five (5) different plans and made some recommendations of additional ways for them to handle their operations. He said they are private business people and it is going to be impingement upon them to operate and if they can't operate then action must be taken in the form of revoking their permits. He said there are only two (2) operators at the present time Mr. Losa and Mr. Ma. He said there are five (5) individuals from the industry here tonight even though all were sent notices as to what was going on. Commissioner Giraudo then asked if any of the five present desired to speak?

Mr. Mack Watson, came forward and said they are still hoping that something from Proposition 103 would possibly give them a chance. He said as the Commission knows they do have investments in the industry and there is no way they can get a return on their investments. He said he would certainly hope, that if possible, they would be given more time as there is a possibility that maybe something would develop. Another operator, Mr. Hugo Soto, said they had written to Senator Quentin Kopp who responded but gave it back to them and the Police Commission to solve. He said now some of them have hired an attorney to see if he can help them.

Commissioner Nelder said he didn't really see any objection or harm in giving them an extension of time to see whether or not the situation can be rectified in one way or another. He said he would make a motion to put his matter off calendar until it is brought back by the Permit Division then, they would be able to keep control of it. Commissioner Medina seconded and it was unanimously approved for placing off calendar.

Lieutenant Wilson said in his last appearance before the Commission on PC&N Taxicabs he said he had promised to come back to the Commission in a month with a report and he would like to, at this time, tell the Commission what has been done. He said they have set up meetings for the Taxicab Industry, with the Taxicab Owners, the Managers and the Drivers to try and formulate some kind of regulations that will come from the Chief of Police to re-vamp the current regulations. He said presently before the Board of Supervisors is a New Ordinance re-written in light of the fact that the Ballot measure on Proposition P did not pass. He said the City Attorney has re-written Proposition K, those sections that are authorized to be re-written under Proposition K, so that it will be more appropriately addressed for the Department and the Industry. He said the Department will also re-write some regulations. He said in that regard Senator Kopp has written a letter to the Chief, and he, Lt. Wilson, has a letter from the Chief that will respond to the Senator advising him that the Department is now actually in process of dealing with re-writing the regulations specifically for Taxicab radios, the radio usage and various other things dealing with the Taxi Industry.

HEARING OF POLICE OFFICER DENNIS M. COSTANZO,
INGLESIDE STATION

The hearing of the disciplinary charges filed against Police Officer Dennis M. Costanzo, Ingleside Station, was called it having been set for this date. Police Officer Dennis M. Costanzo was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to comply with provisions of General Order D-4 as mandated by the Police Commission (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Dennis M. Costanzo appeared in person and was represented by Mr. Casimir A. Wilson, Attorney at Law.

An opening statement was made by Mr. Casimir Wilson for the Defense. Mr. Wilson entered a plea of guilty on Specification No. 1 on behalf of Officer Dennis M. Costanzo.

An opening statement was made by Mr. Michael Gash for the Prosecution.

The following witness was called by the Prosecution, was sworn and testified:

Lieutenant James Tedesco, Personnel Division

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 General Order D-4, Alternative to Punishment D.E.C. Contract, 3/31/87

Exhibit #2 Program for Recovery dated 6/9/88

The following witness was called by the Defense, was sworn and testified:

Captain Diarmuid Philpott, Company H

The following exhibit was entered into evidence by the Defense:

Exhibit A Monthly Evaluation on Officer Costanzo, September and October 1988

Closing statements were made by both Defense and Prosecuting Attorneys.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Dennis M. Costanzo be given 90 days suspension, and if any future violation occurs, he be terminated.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 2081-88

DECISION - HEARING OF POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

WHEREAS, on November 4, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Dennis M. Costanzo, and

WHEREAS, the Commission having heard the matter, makes the following findings of facts as set forth in the following charges:

SPECIFICATION NO. 1

Failure to comply with provisions of General Order D-4 as mandated by the Police Commission (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Dennis M. Costanzo, Star No. 620 (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Patrol Bureau - Ingleside Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

- (3) On or about May 7, 1987, the accused was found guilty by the Police Commission of charges arising from his failure to submit a first day's physician's certificate as ordered by a superior officer. The Police Commission in compliance with General Order D-4 of the San Francisco Police Department imposed a ninety (90) days suspension, to be held in abeyance for eighteen (18) months, to be imposed if the accused failed to participate and comply with the provisions of General Order D-4 of the San Francisco Police Department;
- (4) As part of the accused's participation and compliance in the Department's General Order D-4 program, the accused agreed to abstain from any and all consumption of alcoholic beverages during the eighteen (18) month period commencing from May 7, 1987;
- (5) On or about October 28, 1988, the accused was found intoxicated at his residence by Lieutenant James A. Tedesco, Star No. 1558;
- (6) The accused, by consuming alcoholic beverages while participating in the Department's General Order D-4 program, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 7, 1988, and on Wednesday, December 7, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer Dennis M. Costanzo are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1

[penalty]
90 days suspension and
be reinstated in the
Department D-4
Program; termination
to be held in abeyance
indefinitely

and be it further

RESOLVED, that said suspension totaling ninety (90) calendar days is to be imposed commencing Sunday, January 15, 1989 at 0001 hours and ending Friday, April 14, 1989 at 2400 hours. If any violation occurs in the future, he will be automatically terminated.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing of Officer Costanzo:

7:27 p.m. to 7:52 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR RICHARD D. ESTRADA,
INVESTIGATIONS BUREAU - GENERAL WORK DETAIL

The hearing of the disciplinary charges filed against Police Inspector Richard D. Estrada, Investigations Bureau - General Work Detail, was called it having been set for this date. Police Inspector Richard D. Estrada was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to obey written orders of the Department applicable to his assignment (violation of Rule A-10 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to take proper care of Department property (violation of Rule A-22 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Inspector Richard D. Estrada appeared in person and was represented by Mr. Stephen F. Whitmore, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Stephen Whitmore for the Defense.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant Michael Geraldi, Management Control
Division

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 Copy of invoice dated 1/21/88, Cost
of repair to replace Dept. 011
windshield

The following witnesses appeared for the Defense, were sworn and testified:

Inspector Richard D. Estrada, General Work Detail
Lieutenant Richard Hesselroth, General Work
Detail

Closing statement was made by Mr. Whitmore for the Defense.

Closing statement for the Prosecution was waived by Mr. Gash.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Specification No. 1, Inspector Estrada be given 10 days suspension; for Specification No. 2, he pay all cost of repairs; and for Specification No. 3, he be given 90 days suspension, to be held in abeyance for 18 months and enroll in the Department's D-4 program.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 2082-88

DECISION - HEARING OF POLICE INSPECTOR RICHARD D. ESTRADA, INVESTIGATIONS BUREAU, GENERAL WORK DETAIL

WHEREAS, on May 17, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Inspector Richard D. Estrada, and

WHEREAS, the Commission having heard the matter, makes the following findings of facts as set forth in the following charges:

SPECIFICATION NO. 1

Failure to obey written orders of the Department applicable to his assignment (violation of Rule A-10 of General Order D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Richard D. Estrada, Star No. 390 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and is assigned to Investigations Bureau - General Work Detail;

- (2) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about December 27, 1987, at approximately 1600 hours, the accused completed his tour of duty at the General Work Detail. The accused left the Hall of Justice and went to a bar located on Brannan Street, where the accused consumed several alcoholic beverages between 1600 and 1800 hours;
- (4) On or about December 27, 1987, at approximately 1800 hours, the accused returned to the Hall of Justice and took possession of unmarked Department Vehicle No. 011. The accused then drove the vehicle to Concord, California, where he resides;
- (5) Section III.B of General Order G-2 of the San Francisco Police Department sets forth that members can only use department vehicles overnight if they are on-call personnel or personnel with a specific police need. Members are also required to complete an Overnight Vehicle Use Form 217, and obtain the signature of their unit's Officer-in-Charge and present it to the Garage Office personnel;
- (6) The Investigations Bureau General Order 86-2, No. 4, sets forth that "all requests for overnight vehicle use, (except on-call personnel), shall have the prior approval of the requested member's OIC."
- (7) On or about December 27, 1987, when the accused drove Department Vehicle No. 011 to Concord, California, the accused did not have permission from his Officer-in-Charge to use a department vehicle overnight and the accused did not follow the procedures set forth in Section III.B of General Order G-2 of the San Francisco Police Department for requesting and using a department vehicle overnight;
- (8) The accused, by taking a department vehicle without the permission of his Officer-in-Charge and by failing to follow the procedures set forth in Section III.B of General Order G-2 of the San Francisco Police Department, which states:

"Members shall obey all written orders of the Department applicable to their respective assignments."

SPECIFICATION NO. 2

Failure to take proper care of Department property (violation of Rule A-22 of General Order D-1 of the San Francisco Police Department);

- (9) The allegations contained in paragraphs (1) through (8) of Specification No. 1 are incorporated by reference as if fully set forth herein;

- (10) On or about December 27, 1987, at approximately 1850 hours, the accused was involved in a vehicle accident in Concord, California, with another motor vehicle. As a result of this vehicle accident, the front windshield of Department Vehicle No. 011 was damaged.
- (11) The accused, by getting involved in a vehicle accident with another vehicle which caused damage to the front windshield of the department vehicle for which he did not have permission to use, has engaged in conduct which constitutes a violation of Rule A-22 of General Order D-1 of the San Francisco Police Department, which states:
- "Members shall take proper care of all Department property that is entrusted to their use, and shall be personally liable for the repair or replacement of any Department property that is lost or damaged due to negligence."

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (12) The allegations contained in Specification No. 1, paragraphs (1) through (8) and the allegations contained in Specification No. 2, paragraphs (9) through (11) are incorporated by reference as if fully set forth herein;
- (13) On or about December 27, 1987, at approximately 1850 hours, the accused was involved in a vehicle accident with another vehicle in Concord, California;
- (14) On or about December 27, 1987, approximately 1858 hours, officers from the Concord Police Department responded to the scene of the accident and observed the accused to have an alcoholic breath, bloodshot eyes, slurred speech and was unsteady on his feet. The Concord Police Officers directed the accused to complete a field sobriety test, which the accused failed;
- (15) The accused was arrested for driving under the influence of alcohol and was given the opportunity to submit to a chemical test of his choice. At approximately 2020 hours, a member of the Concord Police Department administered an Intoxilizer Test which indicated that the accused's blood contained .29% alcohol by weight;
- (16) California Vehicle Code Section 23152(b) makes it a misdemeanor to operate a motor vehicle on the public roads of the State of California with more than .10% blood alcohol by weight;

(17) The accused, by using a department vehicle without permission, by getting involved in a vehicle accident with another vehicle and by driving a motor vehicle in a condition which would constitute a violation of California Vehicle Code Section 23152(b), has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 7, 1988, and on Wednesday, December 7, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1, Specification No. 2 and Specification No. 3 as preferred by the Chief of Police against Police Inspector Richard D. Estrada are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1 [penalty] 10 days suspension

Specification No. 2 [penalty] pay cost of repairs

Specification No. 3 [penalty] 90 days suspension
to be held in
abeyance for 18
months and enroll
in the Department's
D-4 Program

and be it further

RESOLVED, that said suspension of ten (10) calendar days is to be imposed commencing Saturday, January 21, 1989 at 0001 hours and ending Monday, January 30, 1989 at 2400 hours. He is to enroll in the San Francisco Police Department's D-4 Program. If any violation occurs during the 18 months held in abeyance, the 90 days suspension will be imposed.

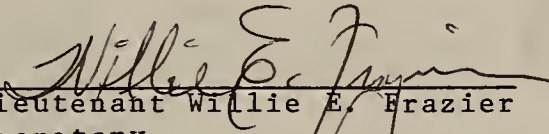
AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

Recess taken during the hearing of Inspector Estrada:

8:37 p.m. to 8:47 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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Minutes

DOCUMENTS DEPT.

DECEMBER 14, 1988

CLOSED SESSION

MAR 31 1989

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The ~~Police~~ Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, December 14, 1988 at 1700 hours in a Regular Meeting.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

DECEMBER 14, 1988

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, December 14, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 14, 1988

Approval of Minutes of Meeting of September 14, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement following claims against City and County of San Francisco:

RESOLUTION NO. 2167-88

JAMES TAHSINI, et al vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of James Tahsini in the sum of \$35,000.00 entitled "James Tahsini, et al vs. CCSF, et al" in USDC C88-2107 CAL as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 30, 1987

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2168-88

KEVIN DOMINO vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Kevin Domino in the sum of \$5,000.00 entitled "Kevin Domino vs. CCSF, et al" in Superior Court No. 840-445 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 15, 1984

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2169-88

PATRICIA McDOUGAL vs. CCSF, et al

RESOLVED, That the recommendation of the City Attorney for settlement of the claim of Patricia McDougal in the sum of \$4,975.00 entitled "Patricia McDougal vs. CCSF, et al" in USDC No. C87-079 SC as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 1, 1985

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2170-88

FERNANDO LUIZ C. FACAHA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fernando Luiz C. Facahna in the sum of \$703.48 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2171-88

ELIZABETH TAPIA vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Elizabeth Tapia in the sum of \$510.33 entitled "Elizabeth Tapia vs. CCSF, et al" in USDC No. C88-2826 EFL as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 20, 1987

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2172-88

DOMINGO MEZQUIRIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Domingo Mezquiriz in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 16, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2173-88

MIKE FALCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mike Falco in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 15, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2174-88

BRUNO KOCHIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruno Kochis in the sum of \$80.00 for an illegal tow, be, and the same is hereby approved.

Date of Incident: April 30, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2175-88

RICKY WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ricky Wong in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 20, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2176-88

CHERRILYNN LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cherrilynn Lee in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2177-88

PHYLLIS SHULMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phyllis Shulman in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 12, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2178-88

KIMBERLY A. MARSHALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kimberly A. Marshall in the sum of \$50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2179-88

DEBRA C. GREEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra C. Green in the sum of \$31.94 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 7, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2180-88

JENNIFER VOLPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Volpe in the sum of \$20.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1988

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this afternoon in Closed Session in an Attorney-Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

Ms. Patricia McCullum said she just wanted to make a couple of comments. She said she came here a couple of months ago to request the Commission's assistance in abating a health threatening, noise abatement problem. She said even though the problem has not yet been fully abated she wanted to commend the efforts being made by Lieutenant Harlan Wilson toward that effort and also one of those actions was to assign Officer Dennis Maffei to the Noise Abatement Unit. She said she felt Officer Maffei was very conscientious, concerned and effective in the job and she was very disappointed to learn that he would be re-assigned back to traffic effective on Friday. She said what this means is that the Noise Abatement Unit will once again be left virtually unstaffed permanently between 3 in the afternoon and at other times when Officer Ariata is not available. She said she would just like to suggest

that since Officer Maffei was doing a very good job she would move to have him assigned permanently to the Noise Abatement Unit to pick up the slack when citizens do need protection in this area.

Chief Frank Jordan said the only comment he wanted to make about that was that the Officer being discussed is also a supervisor down in traffic control in a very vital position there as well. He said it is an area where there are two definite expert needs and one person who can handle both. He said so it was a priority decision.

Ms. Jill Schlichtmann, Attorney for Police Officer Joseph Arsanis, said the Officer has a hearing scheduled before the Commission a week from tonight. She said she was here to ask a continuance from that time as there are two reasons, 1) they are waiting a decision from the District Attorney's Office as to whether the Officer will be charged with any sort of crime resulting from this situation or as to whether he will be assisting the District Attorney's Office in further investigation. Secondly, she said, the attorney who has been retained by Officer Arsanis, Mr. Patrick Hallinan, who is her boss, is going to be on vacation in Hawaii next week. She said for those two reasons they are going to request a continuance. She said she had spoke with Mr. Michael Gash, the Attorney for the Department, and he told her that he did not oppose a continuance but did request that Officer Arsanis sign a Leave of Absence Form which she said she had discussed with Lieutenant Willie Fraizer. She said Officer Arsanis will come with her next week to sign that form if the continuance is approved. Commissioner Giraudo said since this matter was not calendared no official action can be taken but on next week's agenda, the Commission will act accordingly.

Mr. Jeffrey Blankford, another speaker, came forth and said he was on the Labor Committee of the Middle East. He said he wished to report an incident that took place on Sunday night with himself and some 50 to 70 other persons who were denied their First Amendment Rights by a Captain in the SFPD by the name of Kotta. He said on that evening, from 5 to 7, they and two other organizations of the Palestine Solidarity Committee and the Emergency Coalition of Palestinian Rights had planned a protest picket at the Hebrew Academy at 645 14th Avenue to protest the appearance of the Commander of the Israeli Air Force who was the honored speaker at that evening's event there. He said they were protesting because of the situation going on in Lebanon, the occupied territories. He said they planned a peaceful picket and when he arrived, he saw a mass of police presence and the streets were barricaded at Cabrillo and Balboa. And across the street from the Hebrew Academy, came Captain Kotta and asked if he was in charge. He said he told the Captain he was and was then told that there was a designated protest area not in front of the Academy but on the corner of Balboa and 14th. He said they could not make the people hear them at that location and because they could not protest in the area they chose, they were denied their First Amendment Rights. He said he would like some explanation.

Chief Frank Jordan said he would be happy to take the gentleman's name and address so that the Department can follow up on the incident.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Orr, representing Commissioner Lee who sat as Chairman of the Awards Committee, said the Commissioner could not be here tonight but that Commissioner Lee had reviewed the material and recommended that a Bronze Medal that was given to Sergeant William Davenport and Police Officer John Payne be upgraded to a Silver Medal of Valor. She said so that would be her motion. Commissioner Medina seconded and it was unanimously approved. A motion was then made to approve the entire Awards Committee Recommendation which was also unanimously approved.

RESOLUTION NO. 2159-88

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 0-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, December 2, 1988; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeant William Davenport, Sergeant Michael Law, Officer Alex Bini, Officer Daniel Gardner, Officer Joseph McCloskey and Officer John Payne, be, and they are hereby awarded Silver Medals of Valor and granted rewards of \$300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Matthew Castagnola, Officer David Herman, Officer Pablo Ossio, Officer George Paganucci, Officer Gregory Randolph, Officer Keith Sanford, Officer John Schmolke, Officer Richard Sheehan, Officer Donald Shockley and Officer Thomas Yuen, be, and they are hereby awarded Bronze Medals of Valor and granted rewards of \$150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer David Oberhoffer and Officer Edward Santos, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of \$150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

January 18, 1989 was then set as a date for presentation of those awards.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had nothing at this time his matter will come under Item No. 9.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC said he had passed out Statistics for the 3rd quarter to Lieutenant Frazier for distribution to the Commission. Commissioner Giraudo said that rather than have the Lieutenant distribute them now, just include them in the Commission packets that will be distributed Friday so that the Commission will have them to read over the weekend prior to next week's meeting. He said the Commission will discuss them at that time.

Mr. Langer said also there are some envelopes for the Commissioners containing the 3rd quarter overtime report. He said the only other thing that he wanted to comment on was that since the beginning of September, they have hired five (5) new Investigators and they have completed two in-service training programs for the basic investigator. He said when the Commission read the Statistics, they will see that there is a reduction in cases from 792 to 468. He said in addition the prospects of the 4th quarter for a reduction are even greater. He said he would just like to add one caveat and that is the five (5) new Investigators really has not solved the OCC's problems.

RESOLUTION NO. 2160-88

AUTHORIZING ACCEPTANCE OF REWARD FROM U.S. NAVY TO OFFICERS GERARD NEYBERT AND T. ESGET, SOUTHERN STATION

RESOLVED, that the Police Commission hereby authorizes Officers Gerard M. Neybert and T. Esget, Southern Station, to accept a reward of \$50.00 from the U.S. Navy for services rendered on December 5, 1988 in the arrest of a U.S. Navy deserter.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF FEE SCHEDULE FOR CABLE PRODUCED STATISTICAL

Mr. Hal Waterman addressed this item and explained to the Commissioners that the reason for this request is that citizens call the police department and will request that the Department provide them with copies of statistical information such as the complete Major Offense Report accumulated for the year. He said this would cost \$17.00 just to take the time to make the report. He said usually attorneys are the ones who request such reports as they may have a client who has an unfortunate incident in a hotel and the attorney will want a list of the incidents that have happened in that particular hotel. He said many times they will ask about what is the crime in the neighborhood and his unit will send them a copy or photo of a map of the police district they are interested in and the pages that pertain to that police district. He said sometimes they want the entire report so that they can look at frequency of occurrence. Commissioner Orr said she would make a motion to accept and approve a fee schedule for this information. Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 2161-88

REQUEST OF THE CHIEF FOR APPROVAL OF FEE SCHEDULE
FOR CABLE PRODUCED STATISTICAL REPORTS

WHEREAS the San Francisco Police Department provides copies of the Major Offense Report and other CABLE produced crime statistical reports to the Public Library for access and copying by the public; and

WHEREAS the San Francisco Police Department frequently receives requests for information from the Major Offense Report and other CABLE generated reports despite advising requestors that most information is already available at the Public Library; and

WHEREAS many requests are received by the San Francisco Police Department for expedited service for copies of the Major Offense Report and other CABLE generated reports; and

WHEREAS Article 20, Section 1450 of the San Francisco Police Code authorizes the San Francisco Police Commission to adopt a fee schedule for furnishing reports; now therefore be it

RESOLVED that the Police Commission of the City and County of San Francisco adopts the Fee Schedule and Conditions of Sale for CABLE Produced Statistical Reports effective January 2, 1989.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

REQUEST OF THE CHIEF OF POLICE FOR IMMEDIATE FILLING
OF VACATED POSITION OF Q80 CAPTAIN

Deputy Chief Willis Casey said that at the November meeting of the Consent Decree Parties it was announced by the City Attorney's Office that the City would not move to end the Consent Decree until it had fulfilled its commitments in the areas of promotions. He said originally, 16 years ago, the city had agreed to promote 16 persons to the rank of Captain during the life of the Consent Decree. He said to date 14 persons have been promoted to that rank. He said the current Captain's list expires April 30, 1989 and two of the Department's senior Captains, Captain Tom O'Donnell and Captain John Damon, are now in the process of retiring from the Department. He said their positions, however, will not be cleared until after the expiration of this current Captain's list in April of 1989. He said the City Attorney has decided and the Department agrees that it would be in the city's best interest to fill these vacancies before the list expires. Before the Commission tonight, he said, are the two measures that will allow this to happen. He said if approved, minority promotions made to the rank of Captain under the Consent Decree will be two (2) Hispanic males, one (1) Asian male, and one (1) Filipino male. He said the Department attempted to extend the life of the list early in the year but met opposition from the parties. He said it is anticipated that the Department will not have another Captain's examination for at least 4 or possibly 5 years as the Consent Decree must first complete the Sergeant's and Assistant Inspector's and the Lieutenant's Exam so the Department is

requesting that these positions be approved and forwarded to be acted upon the CSC and the Board of Supervisors.

RESOLUTION NO. 2162-88

REQUEST OF THE CHIEF OF POLICE FOR IMMEDIATE FILLING OF VACATED POSITION OF Q80 CAPTAIN

WHEREAS, one Q80 Captain has retired from the San Francisco Police Department, and

WHEREAS, the retirement leaves a severe gap in the upper management of the San Francisco Police Department, and

WHEREAS, the Consent Decree requires that two additional Captains of Police be appointed to satisfy those promotional goals, and

WHEREAS, the promotion of a Q80 Captain of Police will help reduce the Department's obligation under the Consent Decree and allow for earlier expiration, and

WHEREAS, to fill the position before the accumulated sick leave and vacation time are paid requires a resolution of the Board of Supervisors, and

WHEREAS, this procedure is authorized by the Annual Appropriation Ordinance, Section 10, Subsection 1, and

WHEREAS, there are sufficient funds appropriated to cover the cost of this procedure; and therefore be it

RESOLVED, that the Police Commission does hereby request that the Mayor and the General Manager, Personnel of Civil Service, recommend to the Board of Supervisors the adoption of the attached resolution, and be it further

RESOLVED, that the Police Commission requests that the Board of Supervisors adopt the attached resolution authorizing the immediate filling of the vacated position of Q80 Captain.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

RESOLUTION NO. 2163-88

REQUEST OF THE CHIEF FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$26,968 TO CREATE ONE NEW Q80 CAPTAIN POSITION

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$26,968, which will reappropriate surplus salary funds to create one new Q80 Captain position.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF
SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$87,131 TO
PURCHASE 89 UHF MOSTAR RADIOS

Deputy Chief Casey said this is basically a housekeeping item. He said some years ago the Department originally purchased 200 of these radios for its black and white vehicles. He said they operate on the same channel as the PIC Radios. He said over the past years with the expansion of the Narcotic Unit and the formation of the Task Force some of these radios have been used to be put in the cars that were purchased for these programs. He said as a result they are short 89 radios for the black and white units. He said so in effect rather than take them out of the unmarked units and place them in the black and white units what they are asking for are funds to make up the shortage rather than remove them. Commissioner Orr said she would make the motion for approval, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 2164-88

REQUEST OF THE CHIEF FOR APPROVAL OF SUPPLEMENTAL
APPROPRIATION AMOUNTING TO \$87,131 TO PURCHASE 89
UHF MOSTAR RADIOS

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$87,131, which will appropriate funds from the Narcotics Forfeiture and Asset Seizure Fund to purchase 89 UHF Mostar Radios.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

POLICE COMMISSION DECISION, IN LIGHT OF CITY
ATTORNEY'S OPINION, AS TO WHETHER OR NOT TAXI CAB
MEDALLIONS IN THE CASES OF THE LATE MESSRS.
MILITELLO AND PASQUINI SHOULD BE ISSUED

Lieutenant Wilson, from the Permit Division said that the item before the Commission is a request from their unit to receive direction from the Police Commission. He said the two Medallions that are in question were formerly in the possession of Militello and Pasquini who died and in accordance with Proposition K they were supposed to revert back to the City. Their two surviving widows sued the city for the rights to maintain survivorship to those medallions. He said the court case was settled just recently wherein they were both denied and the city prevailed to say that these medallions are not personal property and again are still the property of the city and they would be re-issued. He said at the present time, Ms. Pasquini has filed a letter of appeal as of this morning but the only impact it could have, according to the City Attorney, is that there could be a possibility, if the Appellate Court overruled the lower court's decision, that the Department would have to re-issue the medallion back to Ms. Pasquini. He said the only thought that the City Attorney has is that it would be probably a year to a year and a half before that case is heard. Lieutenant Wilson said the City Attorney's recommendation to the Department was that they issue the two medallions with the caveat that the people who would receive them be notified that there is litigation in regards to one of them and

that if the litigation finds in favor of the plaintiff that they would have to relinquish that medallion.

Commissioner Medina said he felt that the Commission should put this matter off for awhile. Lieutenant Wilson said he would then ask for it to be recalendared when the City Attorney advises them further. Commissioner Orr then made a motion to that effect, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 2165-88

DECISION AS TO WHETHER OR NOT TAXI CAB MEDALLIONS IN THE CASES OF THE LATE MESSRS. MILITELLO AND PASQUINI SHOULD BE ISSUED

WHEREAS, the hearing on the request of the Chief of Police for a decision from the Police Commission, in light of the City Attorney's opinion, as to whether or not Taxi Cab Medallions should be issued in the case of the late Mr. Militello and Mr. Pasquini, was called, it having been set for this date; and

WHEREAS, it was requested by the Permit Section for the matter to be continued off calendar for further review and determination; therefore be it

RESOLVED, that the matter will be continued off calendar and after review and determination by the Permit Section, will be returned on the calendar for consideration.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

SETTING OF DATE FOR HEARING OF POLICE OFFICER RANDALL P. KOCHER, SOUTHERN STATION

Continued one week.

RESOLUTION NO. 2166-88

HEARING OF POLICE OFFICER STEVEN R. SILVERS, TACTICAL DIVISION - MOUNTED UNIT

WHEREAS, on August 17, 1988, John J. Jordan, Acting Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Steven R. Silvers, Tactical Division - Mounted Unit, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to answer questions asked by the Management Control Division truthfully or without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, December 14, 1988, as the date for the hearing on charges filed against Officer Steven R. Silvers; and

WHEREAS, Chief of Police Frank M. Jordan announced that the Police Department was in receipt of the resignation of Police Officer Steven R. Silvers from the San Francisco Police Department, said resignation effective close of business November 25, 1988, which resignation was accepted with the condition that the services of Police Officer Steven R. Silvers have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Steven R. Silvers, be, and the same are hereby continued off calendar.

AYES: Commissioners Giraudo, Medina, Orr-Smith
ABSENT: Commissioners Lee, Nelder

CHIEF'S RESPONSE ON RECOMMENDATIONS FOR IMPROVING
SAN FRANCISCO POLICE DEPARTMENT CROWD CONTROL
PROCEDURES AND POLICIES

Commissioner Giraudo said this item is for the purposes of hearing the Department recommendations with respect to Crowd Control and the Commission is then hearing such matters on January 4, 1989 and again on January 11 at which time it will discuss these recommendations and the recommendations from the various groups that have submitted them. He then advised the Chief to proceed.

Chief of Police Frank Jordan then made his presentation. He said he had given this subject a great deal of thought over the last two months. "We have attended many meetings both in this Commission Hearing Room, the Board of Supervisors Level, our own Administrative Staff, numerous meetings with various citizens groups and I have drawn a number of conclusions that I think are important to bring to rest. A number of issues dealing with Crowd Control and how our Tactical Team handles demonstrations as well as the use of batons. I feel it is important that I read this because I want to be sure; that I think it is a sensitive issue, it's an important one, I want to be sure that there are no misunderstandings. So I will read it and I will be very happy to respond to questions."

"As Chief of Police, I have a duty to the citizens of San Francisco to openly and honestly assess any incident in question, to draw fair, balanced conclusions, and implement appropriate recommendations.

Although I was not on the scene in front of the St. Francis Hotel during the demonstration, I know I am ultimately responsible for all actions taken by members of the San Francisco Police Department. As Chief of Police, I fully accept this responsibility which also includes accountability.

A police officer's role at any demonstration is to attempt to keep the peace, maintain public order and to insure First Amendment rights regarding freedom of assembly and freedom of speech.

Police officers also have an obligation to assist the non-demonstrating community to go about their business as freely as possible.

Police officers are all too often caught between this conflict of two basic rights among the citizenry.

Demonstrators must also respect other peoples' rights as well as their own.

In order to accommodate the demonstrators at the St. Francis Hotel and to provide security for the Vice President of the United States, the Police Department attempted to determine, based on proven past history, the appropriate place for demonstrators to assemble.

Barricades were set in place directly across the street from the Powell Street entrance to the St. Francis Hotel. Many demonstrators declined to station themselves behind the barricades and instead assembled in the Powell Street Hotel alcove entrance, blocking the sidewalk directly in front of the hotel and partially obstructing Powell Street traffic.

Non-demonstrators were thereby denied access to freely use the sidewalk, traffic flow was disrupted and visitors and residents were denied access to the St. Francis Hotel.

Bullhorns were used by two police command personnel who were moving up and down Powell Street advising demonstrators to clear the area by walking toward Geary Street and over to the authorized barricade area. After 20 minutes of repeated warnings, a Tactical Squad was given the command to clear the area. Supervisors were directed to use force if necessary.

My responsibility is to do whatever I can to prevent officers from having to use batons. I am personally committed to the humane movement and control of crowds under supervision of a professional command staff.

The truth of the matter is that the very nature of police work sometimes results in the use of force. No one, especially a police officer, is pleased when this last resort is utilized.

The Office of Citizen Complaints has sustained a complaint against one member of the Tactical Division. The Grand Jury and the Management Control Division findings differ from those of the OCC. While I have great respect for the OCC and its investigators, I disagree with their findings in this case.

The actions of the officer have been carefully scrutinized by investigators and police experts. All have determined that proper and accepted techniques were used, and that they were within long established department policies.

The department also utilized two persons recommended by the Commission on Peace Officer Standards and Training (POST); Mr. Don Cameron and Mr. Ollie Sansen. Both are widely recognized crowd control experts and qualified instructors in the use of the baton. Both reviewed the San Francisco Police Department and KRON-TV video tapes of the September 14, 1988, St. Francis Hotel demonstration.

Each stated the tactics they reviewed were consistent with crowd control techniques as now used throughout the state. Each agreed that the baton thrusting motions used by San Francisco Police Department officers on that day were acceptable techniques as taught in POST certified courses.

Therefore it is my judgment that Squad integrity was maintained, the officer was acting under specific orders and close supervision of his superiors using proper techniques within prescribed department policies.

But the fact remains that an unfortunate and tragic injury to Dolores Huerta did occur during the police movement of demonstrators down Powell Street.

This fact, and the several issues that come to the forefront as a result of the investigations and public hearings, makes it imperative that this Department reaffirm the right of demonstrators to exercise their first amendment rights and re-emphasize the policy that only that amount of force which is necessary will be used by our officers.

I am therefore recommending twelve (12) major steps to improve the existing policies in the following areas:

1. Use of the 36" Baton
2. Warnings to the Public
3. Written Policy Statements
4. Increased Training
5. Reorganization of the Special Operations Bureau
6. Formalized Notifications of Office of Citizen Complaints
7. Establishment of Community Services "Free Speech Hotline"
8. Formation of Volunteer Monitor Cops
9. Yearly Commission Review of Tactical Unit Personnel Records
10. Establishment of Ongoing Departmental Stress Evaluation for Officers
11. Activation of New Command Van
12. Purchase of New "Loud Hailer"

NEW POLICY

1. The department proposes to modify confront all existing crowd control procedures to require officers to use the "port arms" position with the 36" baton when attempting to move non-violent demonstrators.

The "on-guard" position will only be permitted after an overt aggressive act on the part of hostile or violent demonstrators; e.g., if an officer's baton is grabbed by a demonstrator, the squad will assume the "on guard" position as a means of self defense.

OLD POLICY

1. Officers currently confront all demonstrators in the "on guard" position which includes the forward thrusting of batons as the squad moves ahead.

NEW POLICY

2. The department proposes to formally establish a policy that would require an announcement or warning that batons will be used against demonstrators who refuse to comply with lawful directions to move or leave the area.

OLD POLICY

2. No such policy exists.

NEW POLICY

3. The department proposes to compile and publish a training bulletin in the form of a Crowd Control Manual which will include the following:
 - a) Department policy on the use of the 36" baton in crowd control situations.
 - b) Authorized baton techniques and proper commands.
 - c) Crowd Control formations and movements.

(A training bulletin has the same binding effect on officers as a special or general order. Each officer is individually issued a training bulletin and is held responsible for conformance to the material and instructions included therein).

OLD POLICY

3. No such manual (training bulletin) exists, though most of the material does exist in lesson plan format. (While a lesson plan covers accepted procedure it does not have the effect of an order)

NEW POLICY

4. The department proposes to increase and improve training in two areas:
 - a) A four (4) hour block of instruction will be included in the Advanced Officer Course* at the Police Academy covering crowd control policies, procedures and techniques (including the use of the baton).

*All officers below the rank of lieutenant must attend this 40 hours course every two years.
 - b) Refresher training (eight (8) hours for all officers, lieutenants or higher) on the Event Management Manual as well as crowd control policies, procedures and techniques.

OLD POLICY

4.

- a) Training in this area is currently done on the unit level without specific guidelines or accountability.
- b) This training currently is not offered.

NEW POLICY

5. The department proposes to reorganize the Special Operations Bureau to include an Events Management Section.

This section will be headed by a police commander who will be responsible for the planning for and execution of police operations relating to major or significant special events occurring in the city.

This overall command position at special events will assure consistent performance of police units and personnel.

This section will assume the responsibility formerly held by the Intelligence Unit for gathering information on the size and composition of planned demonstrations. It will continue the past policy of meeting with organizations whenever possible before any demonstration.

This section will closely coordinate with the Community Services Division which shares a responsibility to facilitate the expression of First Amendment rights.

OLD POLICY

5. This section does not now exist. Responsibility for event planning is currently decentralized among various units in the department; i.e., Special Operations Bureau, Patrol Bureau, Intelligence Division, etc.

NEW POLICY

6. The department proposes to establish a formal written policy directing the timely notification of the OCC of any upcoming demonstrations and their size and makeup.

OLD POLICY

6. No such policy currently exists.

NEW POLICY

7. The department proposes to expand the duties of the Community Services Division to include the establishment of a "Free Speech Hotline" telephone number within the division. The purpose of this will be to facilitate persons who are more comfortable in dealing with this unit in order to establish contact with the police department. Community relations officers will act as conduits to the Special Operations Bureau and assist them in the planning of specific events.

OLD POLICY

7. This does not currently exist.

NEW POLICY

8. Community relations officers will be responsible for reaching out to the various groups in the city who are inclined to participate in exercises of free speech and work with those groups to establish a corp of civilian monitors within those groups who will be responsible for directing their own members in situations of that sort.

OLD POLICY

8. This is not currently a formal program within the division or the department.

NEW POLICY

9. The department proposes as a means of assuring the public of the high caliber of officers assigned to the Tactical Division a yearly review of their pertinent personnel records. A report will be made in executive session as to the department's findings.

It is the department's intent to maintain the confidentiality of our personnel records, but at the same time our intent is to enhance public confidence through the proper auspices of the Police Commission.

If the Commission concurs with this proposal, we will initiate meet and confer sessions with the POA.

OLD POLICY

9. This procedure does not currently exist.

NEW POLICY

10. The department proposes to take a bold step in a very sensitive area. With the approval of the Police Commission, we will initiate a process whereby all officers assigned to or seeking assignment to excessively stressful assignments can be evaluated as to their potential fitness for such an assignment or as to their suitability of remaining in that assignment.

This stress evaluation will also serve to assist officers to cope with the rigors of their duties and thereby remain as effective members of their units.

The department feels it is only fair to our officers that it give them the support base they need.

The development of this program will be the responsibility of the department's psychologist operating under the guidance of the Police Physician.

This also will be the subject of extensive meet and confer with the POA.

OLD POLICY

10. This policy does not currently exist.

NEW POLICY

11. The department has purchased a command van for use by command staff at special events and critical incidents. Numerous delays in completing the outfitting of the van have occurred in the past. All efforts will be made to accelerate the process to assure the immediate use of the van as a command post for command staff personnel.

OLD POLICY

11. The van is not yet completely operable as a mobile command post.

NEW POLICY

12. The department has over the past years utilized a "loud hailer" to address demonstrators exercising their constitutional rights. It is a very powerful portable address system. Unfortunately, of late it has repeatedly broken down and has been unreliable due to its age.

The department proposes through the budget process to purchase a new "loud Hailer" as soon as possible to assure proper communications with demonstrators.

OLD POLICY

12. The loud hailer is currently inoperable in terms of existing situations.

The Chief then said to the Commission that he submit these recommendations for their review and hopefully for their approval on January 4, 1989. He said he knows that that is only about two (2) weeks away for them to evaluate each of these items very carefully but he said he did not give them the recommendations lightly as he felt he and Staff has done a great deal of soul searching by looking at what they can do to enhance their existing procedures and policies so that they can give the most professional services to the citizens of San Francisco. He said he would be very happy now to answer any questions the Commission may propose.

Commissioner Medina: "Chief specifically what does this mean in regard to Officer Achim?" Are you saying here where you say that the Officer was acting under specific orders, are you specifically making a recommendation in regard to the event?"

Chief Jordan: "Yes, I am Commissioner. I am stating that based on what I have reviewed and what I have from outside independent experts on Crowd Control, and the use of Batons and the techniques and procedures, that the Officer was actually following proscribed procedures of this San Francisco Police Department that are now in existence."

Commissioner Medina: "So, given the fact that the findings of the OCC have been turned in, where does that put the Police Commission in regards to the matter and in regards to Officer Achim?"

Chief Jordan: "Well, what that means Commissioner, is that I will not be forwarding a recommendation for a hearing of charges before your Police Commission. I am making a decision that I feel that the matter has been handled at my level based on this investigations, based on Management Control's Investigation, based on OCC's Investigation and based on what I see from the Grand Jury. All three have somewhat similar but different conclusions and I have to make the ultimate decision other than passing it on to you. And I feel that looking at what I have seen and based on our own in-house people out at the Police Academy, looking at the training procedures of how we teach people on how to use the baton, and then bringing in two outside experts, both who are highly recommended by the Commission on Peace Officers Standards and Training (POST) for the State of California who have reviewed the tapes, who have reviewed our tapes, as well as KRON TV's tapes, feel that they (Tactical Officers) were using, in fact I will re-read it again. 'Both reviewed the tapes and each stated that the tactics they reviewed were consisted with Crowd Control Techniques as now used throughout the state. Each agreed that the baton thrusting motions used by San Francisco Police Department Officers on that day, all of them they are talking about, were acceptable techniques as taught in POST Certified Courses.' And then I tie in together that, 'in my judgement the squad integrity was maintained, the Officer was acting under specific orders and close supervision of his superiors, he was using proper techniques with proscribed Department policies.' It was because of those reasons and a few others I feel that I will not be recommending charges before this Commission."

Commissioner Medina: "Thank you, Chief, I would like to ask the City Attorney a question and that is; given the fact that the Chief is not recommending that the Officer not be passed over for review by the Police Commission, what is the Police Commission's position in this situation?"

Mr. George Riley, City Attorney's Office: "The Charter of the City and County of San Francisco precludes the Commission from imposes more severe discipline that is recommended by the Chief of Police. So you are restrained by Charter Provisions."

Commissioner Medina: "So, to be clear, that means that we will not be taking this matter into consideration."

Mr. Riley: "At this stage that is correct."

Commissioner Medina: "Given the response of the City Attorney, I would just like to state for the record that to be truthful that I am very disappointed that we will not have the opportunity to review and pass judgement in regard to Officer Achim's conduct during the Bush Demonstration. I know that all of us have taken great pains not to make any statement in regard to the matter nor to form any opinion until such time as we had an opportunity to consider fully the facts of the matter. I feel, personally, speaking for myself, that the Chief's decision will deny me this opportunity and I am deeply troubled and disappointed by this. I have very high regard and respect for the Chief's integrity and I strongly

applaud the recommendations that you have made in regard to Crowd Control Policy. I think they are excellent and a great improvement over the lack of and previous policy and I strongly applaud you for that Chief, however, at the same time I have to say I am greatly disappointed I will not have had the opportunity to at least review the matter."

Commissioner Orr: "Chief, you recommended here development of a psychologist or expansion of the involvement of the selection of officers and some kind of resource for them to scope with stress once they are in the assignment as well. Is this going to be a new program that will be developed or is it going to be an expansion of what the Department Physician already has on line?"

Chief Jordan: "Commissioner, it will be an expansion of an existing program but this will be more in terms of looking at each individual officer in the Tactical Unit and we do have an Inspector in the Police Department who is now completing his Doctorate in Psychology who can assist in this particular arena. And we will be looking at it in two ways to see if there are any stress related issues that could be causing problems or have difficulties for the officer to perform his duties in a very stressful difficult position and also to help the officers if they feel that we can find some early warning stages to give them the assistance they need before something serious does occur."

Commissioner Orr: "Also you are recommending a Special Order as opposed to a General Order for the Crowd Control Manual is that sufficient in terms of policy or....?"

Chief Jordan: "Oh, yes it is Commissioner, it is also to the point that with the Manual, every single individual receive a copy of it and will be held accountable for it."

Commissioner Orr: "And the training that will be enacted is that going to be an additional course that is going to be developed?"

Chief Jordan: "That is correct, Commissioner. We do not now have that particular one. We're actually going to go for eight (8) hours in one for all officers and four (4) hours in another. So that we feel this way we'll cover every single officer in the Department and the ones who need to know, the Commissioned Officers, the Command Officers, will learn a course on the Event Management Manual so that there will be no question about what should or shouldn't be done."

Commissioner Orr: "Your recommendations are, apart from the loud hailer, is this going to impact the Department's Budget in anyway? Some of these recommendations, the additional classes, the psychological testing and training?"

Chief Jordan: "Yes, it will Commissioner. We are not exactly sure how much yet but we are doing as much as we can with these recommendations to keep them within budgetary constraints."

Commissioner Orr: "I appreciate the thoughtfulness that has gone into this report and I respect your opinion. Thank you Chief."

Chief Jordan: "Thank you Commissioner."

Commissioner Giraudo: "I would basically echo Commissioner Orr's sentiment with respect to appreciating the energies and efforts that obviously went into this and I am particularly pleased that many of the recommendations that were submitted by other organizations and the OCC are part and parcel of what you are recommending here. That there seems to have been some substantial effort toward dialogue and toward the professionalism of the Department with respect to Crowd Control and an openness and a willingness to progress. I suppose that it's a message that says 1972 is not 1988 and some additions need be made and I can consider this very carefully over the next couple of weeks before we come back again and consider it publicly as Commissioners, to discuss publicly. And I fully respect the position you have taken with respect to the earlier remarks you made before the recommendations. I support you in the decisions that you have to make as Chief of Police in the 31 years that you have been a Police Officer and I know that you don't make these decisions or take these decisions lightly and I respect you and your integrity. So we will be back in two weeks to discuss publicly the input that others have with respect to these recommendations and the input that the Commissioners will have."

Chief Jordan: "Thank you Commissioners."

At this time Commissioner Giraudo acknowledged a member of the audience requesting to speak. Mr. Lester Almstead Rose, Community United Against Violence (CUAV). "I just wanted to clarify a couple of things, first, to thank the Chief for obviously putting in a lot of work on this project. I wanted to comment that my understanding on what we were doing was specific to talk about Crowd Control and I am a little disturbed that the Huerta Incident has played such a large part here. That was not on the Agenda and I think that you have known that in our presentations we have worked very hard to not talk about specific incidents, so, I am a little disturbed that they have been put together here suddenly and I think that needs to be looked at a little bit further. Finally when we met two weeks ago it was our understanding that we would have a chance to respond next week, that we would have chance to respond to the Chief's proposal and you would make a decisions on January 4th."

Commissioner Giraudo: "Was that next week or was that January 4th, there was some concern about holidays."

Mr. Rose: "My understanding was that on December 21st, we would be able to respond and you had originally talked about a decision on December 28th which we asked that you put over as a holiday until January 4th. So I just want to confirm that we would have a little time to look at this. There are some good things in there and there are definitely some things missing that we would like to see and have a chance to respond to. So I just want to clarify that we would be calendared for next week for a brief response."

Commissioner Giraudo: "That was the decision that is what we had said. Thank you very much."

Commissioner Orr: "Lester, in response to your first question about the Huerta Incident being raised, it could not have been talked about before because the investigation was still pending. The OCC completed its investigation and the Chief has disclosed what his decision has been so there is no question about the particular officer or the incident any longer."

Mr. Rose: "I guess my concern is that it wasn't on the Agenda and there are many, many people out there in the public who are so concerned about that case and none of them are here tonight to listen to the Chief's and the Department's response to the OCC Investigation. And that's just my concern."

Commissioner Giraudo: "Okay, thank you."

Commissioner Orr: "Should we have calendared it?"

Commissioner Giraudo: "Well, no. It was a question of the Chief's recommendations and the Chief included that in his statement. I don't know how to respond to that other than to say that the recommendations have been made we will consider your responses to them next week and I am sure that the Chief's statement is available to the public at this point."

Chief Jordan: "Yes, Commissioners, it is and it will be available for upcoming meetings where more of this will be discussed. But I also feel, just so maybe to clarify the issue, that I brought the two together, my decision, because I felt that as a result of that incident so many things were discussed, openly at the Board of Supervisors and Public Forums and here at the Police Commission. We have had numerous meetings, it has been a subject of high profile for the last two and one half months and to show that we seriously evaluated every aspect of what needed to be done and we explored every avenue of approach to see what could be done whether it is policy or procedures or discipline I felt it was important to show by putting it all out there together that there was a very good reason and thought process for the thing from a to z the whole item."

Commissioner Giraudo then acknowledged Mr. John Crew from the audience.

Mr. John Crew, Attorney for ACLU: "Just very briefly, in light of Commissioner Medina's comments on the authority or lack of authority in this matter, with all due respect we may have a different opinion than the City Attorney particularly on a complaint that originates after all through OCC complaints and OCC investigations. So I would, on behalf of the ACLU, which after all was one of the complainants in this case and was not aware that this decision was going to be made public tonight, at least encourage you before you formally accept the recommendation or the opinion at this stage, that you do not have authority over disciplinary actions arising out of OCC complaints, to perhaps put that off until January 4th, at least when you are making the recommendations about all the other proposals. And again I would echo what Lester has said, request, as we had stated a couple of weeks ago, that we separately calendar the Communities response to these recommendations next week, the 21st."

Commissioner Giraudo: "Oh, yes, yes, I apologize I was just thinking the date was January 4th."

Mr. Crew: "Thank you."

Commissioner Giraudo: "Is there anything else? Is there a motion to adjourn?"

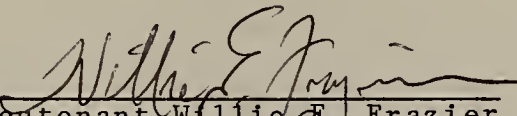
Commissioner Orr: "So move."

Commissioner Medina: "Second."

Commissioner Giraudo: "All those in favor?"

AYES: Commissioners Orr, Medina, Giraudo

The meeting, thereafter, was adjourned at 7:05 PM.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4705M

Minutes

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11/88
DECEMBER 21, 1988

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, December 21, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

APR 3 1989

2. Personnel Matter

SAN FRANCISCO
PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

DECEMBER 21, 1988

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, December 21, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 21, 1988

Approval of Minutes of Meeting of September 21, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 2188-88

JAIRO V. PEREZ vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Jairo V. Perez in the sum of \$7,500.00 entitled "Jairo V. Perez vs. CCSF" in Superior Court No. 892-173 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2189-88

JENNIFER BANBURY vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Jennifer Banbury in the sum of \$4,866.00 entitled "Jennifer Banbury vs. CCSF, et al" in Superior Court

No. 894-201 as a result of damages sustained, be,
and the same is hereby approved.

Date of Incident: November 21, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2190-88

MARK HARRIS

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Mark Harris
in the sum of \$1,339.27 as a result of damages
sustained, be, and the same is hereby approved.

Date of Incident: August 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2191-88

ROBERT CAVALLI

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Robert
Cavalli in the sum of \$894.00 as a result of damages
sustained, be, and the same is hereby approved.

Date of Incident: October 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2192-88

THE CITY TOW (RASMAUSEN, LEE)

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of The City Tow
(Rasmausen, Lee) in the sum of \$760.00 as a result
of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2193-88

MARIAM SAFAPAY

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Mariam
Safapay in the sum of \$605.00 as a result of a
faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2194-88

THE CITY TOW (COLLINS, JIMMIE)

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of The City Tow

(Collins, Jimmie) in the sum of \$550.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2195-88

MAUREEN DAGGETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maureen Daggett in the sum of \$340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2196-88

ENTERPRISE RENT-A-CAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Enterprise Rent-A-Car in the sum of \$320.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2197-88

GERARD L. ROYBAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerard L. Roybal in the sum of \$295.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2198-88

RAFAEL R. ACOSTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rafael R. Acosta in the sum of \$290.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2199-88

THE CITY TOW (McGURTY, PETER J.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow

(McGurty, Peter J.) in the sum of \$280.00 as a result of a non-payment refund, be and the same is hereby approved.

Date of Incident: October 19, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2200-88

MATT ARMANINI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Matt Armanini in the sum of \$275.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2201-88

SHARON WASHINGTON HOWARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon Washington Howard in the sum of \$250.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2202-88

THE CITY TOW (McGILLEN, JILL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (McGillen, Jill) in the sum of \$230.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2203-88

CHI KIT WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chi Kit Wong in the sum of \$215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2204-88

TRACY A. MULLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tracy A. Mullins in the sum of \$215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2205-88

BENFORD A. BENNETT, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benford A. Bennett, Jr. in the sum of \$202.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2206-88

MORTIMER STAUB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mortimer Staub in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2207-88

PATRICIA ACEVEDO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Acevedo in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 2208-88

THE CITY TOW (WILLIAM F. MORTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (William F. Morton) in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this evening in Closed Session on Personnel Matters and no vote was taken.

(a) PUBLIC COMMENTS

Commissioner Giraudo said before accepting public comments he said his understanding is that a number of people are here this evening who are desirous to speak on the issue that was raised at the Police Commission's last Wednesday night's meeting with respect to Crowd Control and in particular to the Bush Demonstration. He said he would ask that the people refrain from making public comments under this item in that regard and that the Commission will hear all of those during the scheduled item #8 as it is probably more appropriate at that time.

RESOLUTION NO. 2184-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER RANDALL P. KOCHER, SOUTHERN STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Randall P. Kocher, Southern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Randall P. Kocher be set for January 18, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Randall P. Kocher is set for Wednesday, January 18, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2185-88

HEARING OF POLICE OFFICER JOSEPH ARSANIS, CRIMINAL INFORMATION DIVISON - RECORD ROOM

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Joseph Arsanis, Criminal Information Division - Record Room, was called it having been set for this date; and

WHEREAS, it was requested by Jill K. Schlichtmann, Attorney at Law, on behalf of Patrick Hallinan, Attorney at Law representing Officer Arsanis, that the date for the hearing be continued to Wednesday, January 11, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Joseph Arsanis, Criminal Information Division - Record Room, is continued to Wednesday, January 11, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 2186-88

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF
CHARGES - POLICE OFFICER JOSEPH ARSANIS, CRIMINAL
INFORMATION DIVISION, RECORD ROOM

WHEREAS, Police Officer Joseph Arsanis, Criminal Information Division - Record Room, was suspended without pay on October 25, 1988, pending hearing of charges before the Police Commission; and

WHEREAS, Officer Joseph Arsanis has requested a Leave of Absence without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Joseph Arsanis, Criminal Information Division - Record Room, be placed on Leave of Absence Without Pay at his request for a period of 22 days commencing December 21, 1988 through January 11, 1989, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE
OFFICER STEVEN J. BOLANDER, COMMUNICATIONS DIVISION

Mr. Michael Gash, Attorney for the Department advised the Commission that Officer Bolander has just received a Disability Retirement and asked that the matter be taken off the Commission's Calendar. Commissioner Nelder said he would make the motion for it to be taken off calendar, it was seconded by Commissioner Orr and unanimously approved.

RESOLUTION NO. 2187-88

HEARING OF POLICE OFFICER STEVEN J. BOLANDER,
COMMUNICATIONS DIVISION

WHEREAS, on November 30, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Steven J. Bolander, Communications Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and/or without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, December 21, 1988, as the date for the hearing on charges filed against Officer Steven J. Bolander; and

WHEREAS, Chief of Police Frank M. Jordan gave notification that Police Officer Steven J. Bolander has been given retirement from the San Francisco Police Department for reason of disability to be effective retroactive to October 31, 1987; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Steven J. Bolander, be, and the same are hereby continued off calendar.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police, Frank Jordan said he had no new additional items other than what is on the calendar tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director of OCC, Mr. Michael Langer advised that the OCC did not have anything to report this evening.

PROPOSED RECOMMENDATIONS OF THE POLICE COMMISSION'S COMMITTEE OF TWO AND THE COMMUNITY SERVICES DIVISION, UPON CONCLUSION OF A TWO-MONTH STUDY OF THE CITY CONTROLLER'S AUDIT REPORT OF THE SENIOR ESCORT SERVICES PROGRAM AND THE SENIOR ESCORT SERVICES PROGRAM'S EXECUTIVE DIRECTOR'S RESPONSE THERETO

Commissioner Nelder said that in relation to this item, Commissioner Pius Lee and himself had met with the Executive Director, Captain Arnold of the Police Department and interested parties including people from the Controller's Office who conducted the Audit. He said in conjunction with Commissioner Pius Lee that those persons administering the Escort Program are doing an outstanding job and they should be commended. He said they have offered a policy and policy answers to all of the questions that have been raised to which all of the Commissioners have copies. He said the Senior Escort Program, after ten (10) years of providing over one million crime free escorts, has established itself as an outstanding part of city services and the policy and the budget that they are submitting is 27% lower than what was submitted last year and maintaining the same level of services. He said so he would make a motion at this particular time that this policy submitted by the Senior Escort Division be accepted and attached to the budget that is to be sent to the Mayor's Office. Commissioner Orr said she would like to commend the Committee of two (Commissioners Nelder and Lee) for their work with the Senior Escort Program. She said she was pleased to see the new Re-organization Plan that has resulted from that effort and that service to the Senior Citizens will still be maintained at an adequate level to produce a quality program. She said therefore she would like to second that motion. The motion, thereafter, was unanimously approved.

RESOLUTION NO. 2181-88

PROPOSED RECOMMENDATIONS OF THE POLICE COMMISSION'S COMMITTEE OF 2 AND THE COMMUNITY SERVICES DIVISION, UPON CONCLUSION OF A 2-MONTH STUDY OF THE CITY CONTROLLER'S AUDIT REPORT OF THE SENIOR ESCORT SERVICES PROGRAM AND THE SENIOR ESCORT SERVICES PROGRAM'S EXECUTIVE DIRECTOR'S RESPONSE THERETO

WHEREAS, the two-month study of the City Controller's audit report of the Senior Escort Services Program and the Senior Escort Services Program's Executive Director's response thereto was considered by the Police Commission, and

WHEREAS, Commissioner A. J. Nelder, chairman of the Committee of two, along with Commissioner Pius Lee and Senior Escort Program Executives, presented recommendations regarding Controller's Audit Report and Policy Statements in Accordance with Performance Audit, which were all approved by a unanimous vote of the Police Commission; therefore be it

RESOLVED, that recommendations regarding the Controller's Audit Report and Policy Statements in Accordance with Performance Audit shall be, and is hereby forwarded to the Mayor's Budget Analyst for subsequent review and approval.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

PUBLIC HEARING ON REVISION OF DEPARTMENT GENERAL ORDER R-6, "MANDATORY BLOOD TESTS FOR DRIVERS UNDER THE INFLUENCE"

Deputy Chief Willis Casey advised the Commission that this General Order is a house keeping order in that it has to be changed to comply with a change in procedure at County Hospital. He said so what the Department has done is to change its General Order to be in line with the San Francisco General Hospital Procedures as to taking blood. Commissioner Orr said she would make a motion for approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 2182-88

REVISION OF DEPARTMENT GENERAL ORDER R-6, "MANDATORY BLOOD TESTS FOR DRIVERS UNDER THE INFLUENCE"

RESOLVED, the Police Commission hereby approves the revision to Department General Order R-6, "Mandatory Blood Tests for Drivers Under the Influence".

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

PUBLIC DISCUSSION AND RESPONSE TO POLICE CHIEF'S PROPOSALS FOR IMPROVING SAN FRANCISCO POLICE DEPARTMENT CROWD CONTROL PROCEDURES AND POLICIES

Commissioner Giraudo said that before this matter commences he would ask that each speaker attempt to restrict his/her comments to three (3) minutes. He said he realized that some speakers are here representing organizations that have a very

real interest in the Crowd Control Policies and Procedures and some who have a statement to make with respect to the announcement that was made last Wednesday night. He said, however, he would still ask that speakers limit their presentations to three minutes so that the proceedings will be orderly so that the Commission can hear what they have to say. The Commission has received a significant amount of written opinion which will all be read by the Commission.

The first speaker was Mr. Keith McHenry, representing the Food not Bombs Group. He said he was a perpetual victim of both police harassment and police beatings in the City of San Francisco. He said he was very disappointed that immediately after the Commission had said that the General Order D-6 would be supported, an increase of harassment against the homeless by the SFPD was the immediate response to that. He said what is represented here is a police state that there is no democracy, there is no due process, and that it is all a total illusion. Mr. Lester Almstead Rose, CUAV, said he had written statement which he would be reading and hoped that all of the Commission had received copies of it. He then read the following:

"It has been suggested that we should be pleased with Chief Jordan's decision to propose improved crowd control policies rather than initiating discipline against an officer using unnecessary force against a demonstrator.

The Chief's action in the Dolores Huerta case makes it clear that no policy can be effective if individual officers are not held accountable to civilian oversight. Furthermore, the proposals made by Chief Jordan are, at best, half a loaf--leaving out all the central recommendations we made in our proposal.

In fact, the Chief's package is a rejection of the public's important role in developing the policies of the Department and in monitoring accountability to these policies.

For example, in response to a question from Commissioner Orr-Smith last week, Chief Jordan indicated that a training bulletin on crowd control procedures was called for because it would be circulated to officers. What he did not point out was that unlike the General Order, which forms the foundation of our proposal, a training bulletin is not subject to Police Commission approval, does not include an opportunity for community input at a public hearing, and can be changed at any time without the Commission's approval.

Second, the Chief rejects even our proposal that anonymous statistical information about the tactical squad be made available to the public, consistent with state confidentiality laws. His proposal would continue to shield the Department from public review.

Finally, informing the OCC of demonstrations will do little good if the OCC's investigations and conclusions are ignored by the Department and, possibly, by the Commission as well.

We have made our full proposal for a minimal and moderate reform of policy, and expect that the Commission will review all public input before taking any action.

However, even if the Commission adopts the best possible policy, new policies will have no effect if old policies are not upheld.

Until the Commission defends its own policies and exercises oversight authority in the Huerta case, no honest reform of crowd control activities can take place."

Mr. Bob Barry of the SFPOA, addressed the Commission on this issue and said he had a five page double paged statement that he wanted to read and said he could get through it in three (3) minutes. He then read as follows:

"The following constitutes the San Francisco Police Officers' Association's response to Chief Frank Jordan's twelve-point recommendations for improving crowd control procedures and policies.

As the elected representative of ninety-five percent of the sworn personnel of the department, I have an obligation to ensure that my membership, whether individually or collectively, are afforded their due process rights when allegations of misconduct arise during the course and scope of their employment as police officers. And, it is in this vein that I speak before you tonight to offer my comments on the Chief's recommendations toward enhancing our crowd control procedures and to offer my observations regarding the circumstances which led to these recommendations.

Conceptually, the Police Officer's Association supports the recommendations of the Chief of Police with the caveat that substantial meet and confer will be necessary with the administration relative to the implementation of any Stress Management Techniques the administration proposes to implement, as well as ensuring that the Chief's recommendation No. 9 can be implemented without violating the confidentiality of police personnel records.

Otherwise, the POA's position is that the other 10 recommendations are comprehensive proposals which we feel will go a long way toward improving our crowd control procedures and will assure the citizenry that our departmental procedures are "open to review" and subject to change in a progressive way.

The Police Officers' Association and counsel for Officer Frank Achim and other officers have foregone any public statement or comment on the events of September 14, 1988 involving the TAC squad and the demonstration outside the St. Francis Hotel. We believed it inappropriate to comment upon a matter under investigation, contemporaneously, by the Grand Jury, the OCC, and the Police Department's Management Control Division.

Now that all these investigations have concluded and Chief Frank Jordan has advised the Police Commission of his finding that Officer Achim's actions were entirely justified, appropriate, and in conformity with Departmental policy, we believe it now appropriate to address the issues raised not only by the actions of the TAC squad on September 14, but the various investigations as well.

The Grand Jury, of course, found no violation of the Penal Code by any S. F. police officer, including Officer Achim. Management Control, after interviewing numerous witnesses and reviewing all

available film, completely exonerated Officer Achim. OCC, in a confusing and contradictory conclusion found that Officer Achim had not violated any departmental policy or procedure, but had used excess force. OCC Director Michael Langer then rejected Officer Achim's request for a hearing on this finding, thereby depriving the officer of his right to an impartial hearing before a hearing officer. We believe that if Mrs. Huerta (who refused to cooperate with either OCC or Management Control and whose attendance before the Grand Jury was involuntary) requested such a hearing, we are sure the OCC Director would have granted her a hearing. The credibility of OCC, its processes, and its fairness, already suspect in the eyes of most officers, and in the recent past even in the eyes of the ACLU, have been severely eroded by OCC's refusal to grant Officer Achim his due process of a simple hearing. The Chief's rejection of the OCC finding accurately reflects the complete lack of any rational basis for the OCC's conclusion.

In the three (3) months that have elapsed since the St. Francis demonstration, however, Officer Achim has been the subject of an unrelenting personal and professional attack by certain elements of the electronic and print media and by the ACLU, who have tried and convicted him over the airwaves. Officer Achim has remained mute during these groundless attacks while the investigative process was on-going. He was also placed on administrative duty status. When Officer Achim returns to full duty status at the Tactical Division -- cleared of these baseless charges, he is due an apology for the personal tribulations he has been subjected to, particularly from KRON-Ch. 4.

Crowd control is a difficult, complicated police problem. The Chief has announced some substantive revisions in departmental standards, training, and procedures -- several of the Chief's proposals will require extensive negotiations between the POA and the Department. Hopefully, a bilateral approach and agreement will be reached which will benefit both the department and our citizenry. But the need for crowd control and the use of the Tactical Squad will not disappear -- so long as demonstrators refuse to comply with lawful orders to disperse. The appropriate use of batons, albeit a last resort, will be inevitable, and the POA will continue to defend the obligations of officers to follow departmental procedures and their rights to defend themselves against demonstrators who assault officers or otherwise violate the law which necessitate the use of batons.

It is regrettable that Mrs. Dolores Huerta was injured in this demonstration. The POA, as a labor organization, fully supports the rights of unions and their members to peacefully picket. But it is clear that Mrs. Huerta's continued presence on the sidewalk after numerous, repeated orders to disperse, coupled with clear opportunity for her to leave the area, if she desired, evidence her intent to engage in civil disobedience -- as an experienced picket and demonstrator for over 20 years. Mrs. Huerta was fully aware of the consequences of her intentional refusal to leave the scene.

Although Mrs. Huerta's injury was substantial, and regrettable, Mrs. Huerta was not "beaten". She was struck only once by Officer Achim, pursuant to proper police procedure and lawful directive from

both his sergeant and his lieutenant, to use his baton. The repeated, irresponsible use of the word "beaten" by the crew of the ACLU, the print media and KRON-Ch. 4 are typical of their irresponsible, sensationalistic approach to complicated problems.

I would like to think I'm wrong, but everything I have seen, heard, and read from Mr. John Crew and his supporters is that, regardless of what the objective facts, truth, and evidence show, Mr. Crew will not rest until Officer Frank Achim has been prejudged, pretried, convicted, and terminated, merely to satisfy his desire to single out and destroy a working police officer who was merely doing his duty.

Mr. John Crew, Attorney for the ACLU, was the next speaker. He said he had a seven-page statement which he would not read that the Commissioners already have copies of and they can study it at their leisure. He said he did feel obligated to respond to the very unfortunate and sad statements from Officer Barry and if he represents the perspective of the San Francisco Police Officers' Association. He said he would start with by saying what the ACLU has done in this case and what members of the community are doing and that is asking for accountability. He said to claim that somehow the OCC, the process that was created by the voters to investigate police misconduct, even submitting to that process is violating Officers due process rights, reflects a hostility that the SFPOA has shown to Civilian Review and to public accountability for years. He said so he was not terribly surprised at Mr. Barry's comments but it is still unfortunate. He said he would suggest that before Mr. Barry start making such irresponsible statements that he thoroughly study the rules of the Department that he works for. He then outlined the findings that the OCC came down with: 1) Allegation of unwarranted action for improper technique that the baton thrusting motion was not the proper technique. The OCC found that under the current policies that was proper. Independently under a specific General Order of this Department that Mr. Barry should know about on an Unnecessary Force Allegation the OCC ruled that the Officer used a degree of force that was greater than was minimally necessary. He said those are not inconsistent findings. He said merely because an officer uses proper technique doesn't mean that he has carte blanche to use any amount of force that he wants. He said the problem comes in as to what the Chief has explained is his so far. He said in the Chief's statement last week he focused solely on the idea of proper technique and characterized it as though the Department was disagreeing with the OCC. In fact, Mr. Crew said, the Chief had just said the OCC agreed that there was proper technique. What the Chief just completely ignored in his statement is in fact that the OCC found a violation of General Order F-4 that the degree the amount of force was excessive. He said the Chief also characterized the Grand Jury's findings as being in disagreement with the Grand Jury. Mr. Crew said the Grand Jury, as the Commission knows, was looking at a question of criminality. He said the OCC was looking at a question of Department policy. Two (2) completely different questions. He said unless the SFPD has taken the position that every violation of policy deserves a criminal prosecution then it is not inconsistent at all for the OCC to find unnecessary force and the Grand Jury not to issue a criminal

indictment. He said finally a new suggestion that they have heard that wasn't in the statement was that somehow the tapes did not show this named officer actually striking Dolores Huerta. He said whether or not that is the case the fact remains the OCC sustained the ACLU's complaint. He said the ACLU's complaint was explicitly not based on who the victim was. He said their complaint was filed based on four (4) specific swinging motions from this Officer that they alleged were unnecessary force. He said it was not a function of who the victim was it was a function of the degree of force and their complaint was sustained. He said there is another woman here tonight, Monique Doryland, who is shown on the tape being struck by these blows. He said she alleged unnecessary force. He said the OCC sustained that complaint and the Department so far has not even addressed these fundamental issues from the OCC. He said it is their view that it is the role of the Commission to protect the OCC's independent function and there are three points here that they have joined with 32 other community organizations in asking that the Commission make up its own mind about this case not prejudge an officer but make up its own mind in a disciplinary hearing about this case. He said those three factors are: "If this city is going to conduct a simultaneous investigation, if the Department and the OCC are going to simultaneously going to investigate the same question and frankly, I don't understand why the voters preference for civilian investigation was ignored in this case by having two (2) investigations, if that's going to be the case we can't have the Department's conclusion automatically overriding what the OCC decided. If there is going to be simultaneous investigations then it is up to the Police Commission as the Supervising Body for both institutions to come up with your own conclusions. The second important fact in this case is by definition the OCC did a more thorough, more complete investigation. You will remember in the wake of this incident the Mayor, members of the Police Commission, the Director, the Chief were all publicly issuing a call for civilians who saw something that night, witnesses to come forward and report what they saw and a number of people did. They came forward to the OCC which afterall was created for this purpose. The OCC interviewed Dolores Huerta, the Department did not. The OCC interviewed a number of civilian witnesses that chose to cooperate with the OCC and not the Department and that is an additional reason why the Department's conclusions should not be merely blindly accepted. And finally, especially what we have heard from the Department so far does not even address what the OCC found that is an additional ground for the Commission to make up its own mind, briefly a point about the authority of this Police Commission to hear this case. There was really an off the cuff unexpected question from Commissioner Medina last week, to what I understand was a surprised City Attorney, about this Commission's authority. That City Attorney's advise seems to have been implied that somehow this Commission has no standing when the legal gospel has come down that Commission cannot make its own decision in this case."

Commissioner Giraudo interrupted and said he felt the Police Commission will be seeking a written opinion on that particular subject and that what Mr. Crew said was accurate and correct that there was a bit of surprise there and the Commission will be seeking that written opinion so that it will know

exactly where it stands or doesn't stand with respect to those issues. Mr. Crew said that was very gratifying and that they think under the Charter that under the Commission's power, the Commission's explicit power to manage both the Department and the OCC, the Commission has the power and indeed the responsibility to hear this case. He said if the Commission needs any precedent the Commission just six (6) months ago passed a policy that with all L-1 violations, General Order L-1 having to do with failure to cooperate with the OCC, those cases if they are sustained by the OCC will automatically be brought to the Commission for trial. He said if the Commission has the authority to bring an entire category of cases, OCC cases directly to the Commission for trial, then the Commission certainly has the authority in this individual case to take the same action. He said he would conclude by saying unfortunately the message that has gone out so far, unless the Police Commission acts, is a message to Police Officers that if they get their technique right they can hit people as hard as they want. Its a message to people who demonstrate and exercise their first amendment rights that in effect it has been declared open season on them. He continued by saying that its a message to the OCC that no matter how much they try to improve, and yes the ACLU was very critical two (2) years ago about the OCC and they now have seen great improvements, there is a long way to go but for Mr. Barry to imply that the ACLU has some beef with the OCC, again mis-characterizes it. He said but the point here is the message the OCC is getting is they can do a thorough investigation, get civilian cooperation, have clear evidence on video tape and their conclusions will not get the support and respect they deserve. He said finally, he will conclude here about the message that has been sent so far to those who have been working diligently on policy reform ultimately the policies don't matter. The administration has a clear unnecessary force policy in General Order F-4, the OCC found a violation the Department has not even mentioned a response so they, (ACLU, CUAV, Natl. Lawyers Guild, etc.) think that those messages has to be cancelled and the Commission needs to make up its own mind.

The following speakers appeared in this order:

Dr. Bill Paul, President of the Stonewall Gay
Democratic Club

Mr. Antonio N. Salas, with the International Indian
Treaty Council

He said among other things that is the Police Commission's job is to run the Police Department and to hold its officers accountable for their misconduct. He said consequently they demand that the Police Commission vote at its January 4th meeting to hold a disciplinary hearing on this matter. He said simple justice and common sense demand nothing less. He said the people who advocate this position are: The United Farm Workers, The American Civil Liberties Union, The National Lawyers Guild, Community United Against Violence, San Francisco Committee in Solidarity with the People in El Salvador, Pledge of Resistance, San Francisco Sanctuary Covenant, Central America Refugee Committee, Western States Legal Foundation, Avalon Alliance, Greenspace, San Francisco's Women International League for Peace and Freedom, Christian Institute Bay Area, Media Alliance Central

America Committee, Stonewall Gay Democratic Club, Alice B. Toklas Lesbian and Gay Democratic Club, Harvey Milk Lesbian and Gay Democratic Club, Chinese for Affirmative Action, National Organization for Women SF, Rainbow Coalition of SF, SF NAACP, Mexican American Legal Defense and Education Fund, Mexican American Policital Association, Latino Caucus of SF, American GI Forum of SF, International Indian Treaty Council, Chicano Moratorium Coalition, National Chican Human Rights Council, Women of All Red Nations, Transport Workers Union Local 250-A, Chinese Progressive Association, Lesbian Gay Labor Alliance, The Asian American Federation of Union Members and Allen L. Lannon, President ILWU Local #6.

Mr. John Wahl, Stonewall Gay Democratic Club, said he was here to talk about the process that they witnessed last week. He said to him it was one of the biggest outrages he has seen since the Mayor he supported, Art Agnos, was sworn in. He said he had to say that and his conscience will not allow him to say anything else. He said last week he knew the Chief was going to come out with his recommendations about Crowd Control. He said he was a little bit surprised to see Deputy Mayor Hadley Roff, who is here today also, in the audience when he came in. He said then the Mayor came in. Then, he said, we have in the Chief of Police's Report on Crowd Control, put in the first part that is a part that is supposed to be Crowd Control, there is a complete absolution of Officer Achim who caused Dolores Huerta, a five foot two catholic pacifist grandmother to lose her spleen and almost die. He said they had that slipped into the Chief's counter response on Crowd Control. He said and then we have what appeared to many to be a scripted little drama afterwards where Commissioner Medina asks a City Attorney, "What if anything can be done by the Police Commission now?" and the City Attorney says, almost as if somebody has turned a switch, the Commission is precluded from imposing any discipline more severe than that recommended by the Chief of Police. He said then Commissioner Medina appeared to many to be reading his remarks after that. He continued by saying that they have had reports that the Commission met the day before in a private session, which is possible if it only has to do with Officer Achim, but if it also has to do with Crowd Control Reports and mixing that in to a Crowd Control Report, then the Commission has violated the Brown Act. If that happened, and he said he thinks many would like to know if it did happen, then he said, they have grave problems with something like this Dolores Huerta matter being subsumed in a Crowd Control counter proposal which has obviously got the attention of the highest levels of city government. He said Dolores Huerta deserves justice and it does not matter whether or not the Police Officers Association supported the same person I supported. He said they all know that Mr. Barry's Administration supported Mayor Agnos but that does not mean that this Commission should be political. He said this Commission must be quasi-judicial or they might as well all resign.

The next speaker was Julianne Melvo, NAACP, Black Leadership Forum and SF Business and Professional Women who between them, she said, represents about 5,000 black people. She said if somehow the Commission could not figure which officer beat Dolores Huerta, then discipline them all.

The next speaker was Mr. Bernard Averbusch, Executive Director for the Greater Market Street Association. He said they are in support of Chief Frank Jordan and the Police Commission. He said they have confidence in Chief Jordan and they wish to express that confidence publicly.

Mr. Bob Begley, Executive Director of the Hotel Council of San Francisco. He said when people had occasion to call on the police department and said where were the police and the police were instantly there. He said those were such times when the Martin Sobel Committee Meeting was here when the NAZI PARTY was on its way from Los Angeles to San Francisco to cause a ruckus in this city and they said where are the police and the police were there and they did a very effective job. He said he didn't hear any thing mentioned tonight about the attempted assassination on the President of the United States in front of the same hotel in which there was a disturbance. He said so he would urge the Commission as one, as a native, as a business man here in this city to give credit where credit is due. He said Frank Jordan has done a tremendously admirable job. He said what is seen here tonight, and he was not here to debate what is right and what is wrong with it, but he said, he is saying give credit to the other side to Frank Jordan and the SFPD over a lot of years in this city who have done an outstanding job.

Other speakers were:

Mr. Hal Muscat, Taxicab United Against Police
Brutality

Mr. Kim Malcheski, Attorney for Ms. Monique Doryland
Ms. Katherine Cusick, Training Physician Assistant
current Director of Nicaragua
Information Center

Ms. Diana Lyons, Counsel for Dolores Huerta who said the particular officers that struck the particular blows that damned near killed Dolores Huerta and injured a number of other people is the issue. She said, and whether this Commission is impotent to do anything about it, because the buck stops somewhere, and she said, she submits that it stops here.

Mr. Howard Wallace, representing the United Farm Workers of America, said he had almost forgotten what a rotten cop could be until the night of September 14th. He said the attack that evening upon Dolores Huerta and himself that evening was completely unprovoked, it was savage and it was sadistic. He said if the Commission doubts that he would ask them to review again the photography, not just Channel 4, but the Police footage as well, as they will find that Monique Doryland is repeatedly struck with that club for no reason at all.

Stephanie Hedgekoke, All Peoples Congress, said Officer Achim should be arrested for attempted murder for his brutal attack on Dolores Huerta. She said they utterly condemn Frank Jordan's recommendations, they condemn the use of excessive force which is typical not unusual from the police and they would also call on the OCC to send a message to the Mayor to reign in his dogs, reign in the entire police department.

The following named individuals also made comments:

Ms. Julie Sainai, Chapter Coordinator of the SF Chapter of the Committee on Solidarity with the people of El Salvador.

Dr. Scott O'Keefe, Vice President of the SF Organizing Project.

Ms. Sue Hester, Planning Commission. She said if the Commission goes past this point and does not deal with what happened in a manner that the public has confidence in, then the Commission will lose its power and the Department will lose its power and the officers will lose some of their privileges because the people are going to change things.

Mr. Bruce Lilienthal, member of the Anti-Crime Council of SF and a member of the Board of Directors of SF SAFE. He said he was shocked at the incident that happened at Union Square, however, he must emphasize that he has the utmost respect for Frank Jordan, the Chief of Police, who is in a very difficult position. He said he believes that the Commission must look to those people who has made recommendations to this body from all sides as acting in good faith. He said he speaks in favor of adopting the twelve (12) recommendations which the Commission has before it from the Chief. However, he said, he believes the Commission must look beyond the rhetoric of calling our police officers dogs, murderers, that their attacks are typical or that they are policemen from Nazi Germany. He said the Commission has the responsibility to look beyond this rhetoric to listen to the responsible voices on both sides and to give a balanced opinion based upon what is best for this city, what is best for the citizens, what is best for the force. He said he was asking the Commission to exercise its independent judgement as the City's Police Commissioners not be swayed by who speaks the loudest but in the Commissioners' hearts what is best for all San Francisco.

Ms. Diana Webb, President of the SF Chapter of the Coalition of Labor Union Women said Dolores Huerta was one of the founders of their union. She said she felt it is extremely important for the Police Commission to continue in the disciplinary action. She said as a union activist she firmly believes in due process and the Commission has gone through that procedure so please take action to discipline the officer and make sure that the Police Department understands that this is a free society, freedom of speech needs to be preserved by them not intimidate.

Commissioner Giraudo, noting there were no more speakers, thanked everyone for their comments and said the Commission will be meeting again on January 4, 1989, to have open discussions between and among the Commissioners in public, with respect to the recommendations of the various organizations, with respect to crowd control. He said he would direct the Lieutenant, Secretary to the Police Commission, to seek a written opinion from the City Attorney's Office with respect to the issues that have been raised by speakers this evening, both at the podium and in writing, with respect to the Commission's authority or lack thereof, to review the Bush Demonstration and the incidents that occurred in

front of the St. Francis Hotel, so that the Commission will know definitively what it is that the Police can do or cannot do. He said this would be to have an official opinion as opposed as to one that the Commission received last week on some what of a hip shot from the City Attorney's Office. He said he did not know whether that would be forth coming by January 4, 1989, however, there will be discussions at that time and on January 11, 1989, he would imagine that the Commission would be voting on the recommendations of the various organizations with respect to Crowd Control measures. He said he regretted they have been clouded by the issue that is obviously at hand this evening.

HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR TAXICAB PERMITS

The following speakers in this matter were as follows:

Mr. Henry Stern, he said all of the multiple owned permits by one person should be taken back by the City and issued to all of the drivers by 1990. He said as far as being a need for new permits he would not address that issue as he is number 26 on the list.

Mr. Tom Webster, he said over the past ten (10) years he has seen taxi drivers income go from an adequate to barely a living wage. He said not only has there been an increase in overhead but a large increase in cutthroat competition. He said those persons who are high on the list will urge the Commission to put more cabs on the street. He said they will all have their rationale for putting more cabs on the street. He said he would ask the Commission to consider all aspects of this matter and act in the best interest of the many rather than in the private interest of the few.

Mr. Howard Green said that after he had signed up on the list he found out that Yossedek Desta was going to speak for a number of people present so he would like to turn his time over to Mr. Desta.

Mr. Pete Rockwell said he started driving a cab for Luxor about three weeks ago. He said if the Commission puts fifty (50) more cabs on the street what it will be doing is crowding the line in front of the Hyatt Regency, Crowding the Garage at the Airport even more than it is and the city will still have the problems in the Richmond and the Sunset because no cab drivers want to go out there.

Mr. Bob Jacobs, he said he would respectfully ask that the Commission not issue any more permits as it would be a severe hardship for the present drivers to make a living with any additional full time permits on the street.

Mr. Dave Schneider said adding any more permanent medallions at this time would be premature. He said the point was pretty well made that when you add more taxis it cuts into the share of the present drivers income. He said the solution to this problem is probably to computerize the Taxi Industry in San Francisco.

Mr. Hal Muskat, he said he would urge the Commission to look at other alternatives and not issue more permits so that they can meet all of the

transportation needs of the population of San Francisco and of those who will continue to visit SF.

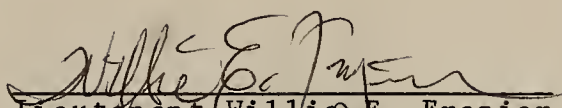
Yossedek Desta said opposition to more permits has come to the Commission tonight and given no objective evidence and on the other hand it is up the people like him who want more cabs to provide clear and convincing evidence. He said throughout the years they have provided statistical data from even the SF Airport. He said they have supplied graphs that compare major comparable cities. He said in 1984 then Mayor Dianne Feinstein came to the Commission, investigated and said there was a need to increase to 1000 taxis for the city. He said in 1986, the Police Staff report approved by the Chief suggested an addition of 400 permits and the Commission only issued 50. He said this is authoritative evidence that is being ignored. After further testimony from Mr. Desta, Lieutenant Harlan Wilson from the Permit Division came forth and said that they are seeking all representatives from the industry, from any association, or any organization that might be willing to come forward and discuss the issue. He said they have already met with numerous groups. He said he thinks it will take the Permit Section about four (4) to five (5) months before they can come back with a viable recommendation for the Commission to consider as the only Staff available to do the job will be Officer Flanders and himself. He said he would however be back on a monthly basis filling the Commission in on what has been done.

Mr. Kenneth Farmer came forward and requested to speak and said that he was not seeking a cab permit but that he is a cab user and he works in a hotel. He said he had been in a lot of these gentlemen's cabs before and felt what everyone is forgetting is the public, the neighborhoods and the people who work in the hotels. He said everyday where he works at the Wharf from 3pm to 6pm it is impossible to get cabs. He said he was not sure if 50 more cabs would be a solution because 50 cabs at the Hyatt Regency or the Airport does not get him a cab out in the neighborhoods. He said the Commission has to come up with some way to get those cabs out to the neighborhoods.

Commissioner Giraudo thanked the speakers and said that in 1986/87 the Commission heard over 600 people speak to the cab issue and this included hotel owners, employees and people who live out in the various neighborhoods. He said a number of the Commissioners at that time made a point of trying to get taxicabs from different points in the city by phone and by trying to hail cabs downtown at different times. He said they all had many pleasant experiences and many bad experiences. He said he had someone throw him out of his cab because he wasn't going to the Airport and he said he spoke to it that night. He said but that doesn't say to him that everything is wrong or everything is right. He said he could only say that the Commission has to look to the staff to continue its investigation in furtherance of what it did in 1986 and come back to the Commission with what data then can.

In that respect, a report from the Permit Section is expected for the April 19, 1989 Meeting.

The meeting, thereafter, was adjourned at 9:10
p.m..


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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W/4749M

